THE

REGULATIONS AND LAWS

ENACTED BY THE

GOVERNOR GENERAL IN COUNCIL,

FOR

THE CIVIL GOVERNMENT

OF

THE PROVINCES UNDER THE PRESIDENCY

OF

FORT WILLIAM IN BENGAL,

FROM 1793 TO 1828, INCLUSIVE;

Arranged in Departments, on the Plan of Molony's Synopsis.

VOL. III.

JUDICIAL DEPARTMENT.

DIVISION III.—MISCELLANEOUS REGULATIONS.

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*** Where *r* is prefixed to any regulation or section, it implies that it is entirely *rescinded* or *superseded*.

A. D. 1795. REGULATION XXII.

A REGULATION *for preserving the Record of the principal Rules regarding the Administration of Justice, and the Police, in the Province of Benares, passed between the year* 1781, *and the Period of the Abolition of the Office of Resident in* 1795; *and for determining what Part of those Rules are to be considered still in force; and for transferring the Causes depending in the Courts of Judicature abolished on this Date, to the Courts established in lieu of them.*—PASSED *by the Governor General in Council, on the 27th March* 1795; *corresponding with the* 16*th Chyte* 1201 *Bengal era; the* 22*d Chyte* 1202 *Fussily; the* 16*th Chyte* 1202 *Willaity; the* 22*d Chyte* 1852 *Sumbut; and the* 5*th Ramzaan* 1209 *Higeree.*

Preamble.

PREVIOUS to the cession of Benares to the Company, and until the year 1781, the administration of justice in the several *pergunnahs* and districts in the province of Benares, was committed, subject to the control of the *zemindar*, to the *aumils* or native collectors of the revenue, who, in the exercise of this trust, were guided chiefly by unwritten custom. In the city of Benares, certain judicial powers in civil suits were lodged in the superintendent of an office denominated the *amanut dufter*, and the police was entrusted to a *cutwal*. This system continued with little variation until the year 1781, when the British Government first interfered in the interior administration of the country. It being necessary that all the rules which have been passed from that period, to the abolition of the residency, regarding the administration of justice, or the police, should be printed and published, for the security of the rights of those individuals whose property is held under, or has in any shape been affected by them, and that it should be declared what part of those rules are still to be considered in force; and it being requisite, that provisions should be made for transferring the suits depending in the courts abolished on this date, to the courts which have been established in lieu of them; the following rules have been enacted.

Institution of a court of justice for the city of Benares.

II. On the 19th of October 1781, a chief magistrate was appointed for the preservation of the peace, and the administration of justice, in the city of Benares, and to enable him to execute the duties assigned to him, a *dewanny adawlut*, or civil court, a *foujdaree adawlut*, or criminal court, together with a *cutwalee*, or office of police, were established under his superintendence. The magistrate was authorized to frame rules of practice for the courts, subject to the approbation of the British Government at Calcutta, to whose authority alone he was subject.

Establishment of a court of justice for the town of Ghazeepore.
Rule of law to be observed therein.

III. On the 27th of January 1788, a court of justice was established in the town of Ghazeepore, under the superintendence of a native judge, who was vested with civil, criminal, and police jurisdiction, within the limits of the town. In civil causes instituted in this court, the law of the religion of the parties was made the rule of decision, excepting when the parties were of different persuasions, as in suits between Mahomedans and Hindoos, in which cases, the court was ordered to be guided by the law of the religion of the defendant. But in all criminal cases, (excepting those which had relation to cast or marriage amongst the Hindoos,) the *futwas* or sentences, were directed to be delivered in conformity to the Mahomedan law. The sentences in criminal trials, however, were ordered not to be

carried into execution, until they had been approved by the resident, excepting in cases in which the punishment did not exceed twenty stripes, or imprisonment for one week, which sentences the judges were authorized to carry into execution by their own authority.

Subsistence to prisoners.

IV. The judge at Ghazeepore was instructed to furnish persons confined for criminal offences, with a daily subsistence at the expence of Government; but debtors, and others detained in custody on civil actions, were ordered to be maintained by the prosecutors; and the court was directed to release them, in the event of the prosecutors not paying the required sum for their subsistence.

Police.

V. In the *cutwalee* or police department, the fees which had been usually collected from the inhabitants, were abolished; and to obviate disturbances in the city, travellers, *sepoys*, and others, were directed to apply through the native magistrate for such assistance as they might require, instead of going themselves, or deputing people for that purpose, into the town.

Rules respecting the officers of the court.

Oath taken by the judge.

VI. The judge was entrusted with the appointment and dismission of the officers subordinate to him, but with instructions to report all removals and nominations to the resident. The judge was sworn to the diligent and faithful discharge of his trust, and the officers of the court were declared liable to be made to refund three times the amount of any sums which might be proved to have been corruptly or unduly received by them.

Similar establishment of a court for the town of Juanpore.

VII. On the 15th of March 1788, a court of judicature was established in the town of Juanpore, under a native judge, with the same powers and jurisdiction in civil and criminal cases, and in matters of police, as had been vested in the native judge of Ghazeepore.

Limitation of the period within which causes were to be heard.

VIII. A rule was passed, authorizing the two courts above mentioned, to entertain and decide on suits where the cause of action had arisen within the twelve years previous to the 15th of March 1788; but no civil causes of longer standing were to be received, unless the party first obtained from the resident, an order for their being admitted.

Establishment of a court of justice at Mirzapore.

IX. On the 31st of March 1788, a court of judicature was established in the town and mart of Mirzapore, under the superintendence of a native judge, who was vested with the same civil, criminal, and police jurisdiction, as the judges of the courts at Ghazeepore and Juanpore; and on the 11th of November following, the jurisdiction of the Mirzapore court was declared to extend to the site and temple of Bindebasnee, a place in that vicinity, resorted to by the Hindoos for religious purposes.

Regulation for hearing appeals from the courts of Ghazeepore, &c.

X. *First.* On the 15th of March 1788, the following rules were established in pursuance of the orders of the Governor General in Council of the 29th of February 1788, empowering the resident to hold a *dewanny* court of appeal at the *sudder*, or Benares, for trying appeals from the decrees of the courts of Mirzapore, Ghazeepore, and Juanpore.

Second. 1*st.* "That in all causes of a civil nature, the party dissatisfied with the decree of the *mofussil* court, shall be at liberty to appeal to the resident at Benares by a petition of appeal, stating the causes of appeal, so that every such petition against any decree made in any of the said *mofussil* courts, be presented to such *mofussil* court, or to the resident in his capacity of judge of the court of appeal at Benares, within two months after the day on which the decree was made. Provided, nevertheless, that such person may prefer his petition of appeal to the said court of appeal at Benares, after such period, if he can show just and reasonable cause to the satisfaction of that court for not having preferred the same within the said two months; and if the petition of appeal be against any decree, whereby the right of possession of any house or land shall be decreed to the plaintiff, all proceedings shall immediately be staid, and no execution had, or possession given under the decree appealed against, until the said appeal shall have been finally determined in the Sudder Dewanny Adawlut, if the party against whom the decree is given, enter into good and sufficient security in a sum equal to one year's value of the rents, issues, and profits of such land, or house, which shall have been decreed, to abide by and perform such order as shall be made in the court of appeal at Benares. But if such party shall neglect or refuse to enter into such security, on or before the court day next after such appeal shall be preferred, then the *mofussil dewanny adawlut* shall order execution to be had, and possession to be delivered, according to the decree; and in all other cases, the *mofussil dewanny adawlut* may either order the decree to be carried into execution, or sufficient security to be given by the party against whom the decree shall

shall be made, in a sum equal to the sum of money, or the value of the thing decreed, for the performance of the decree; and if the *mofussil dewanny adawlut* shall order the decree to be executed, security shall be taken from the party in whose favour the decree is made, in a sum equal to the sum of money, or value of the thing decreed, for the due performance of such order or decree, as shall be made in the court of appeal; and in all cases, the party appealing shall give full and sufficient security, in a sum not exceeding two hundred rupees, for the payment of all such costs, and for the performance of such order, or decree, as the court of appeal may think proper to award, or make thereupon; and in every case, where any petition of appeal shall be presented in any *mofussil dewanny adawlut*, against any decree given in such court, and such securities as are hereby required shall have been entered into, the judge of such *mofussil dewanny adawlut*, shall immediately endorse on such petition in his own handwriting, the day of the month and year in which it was presented, and sign the same with his name, and shall likewise cause to be written in the margin of the record immediately opposite to the decree of the court, the word "appealed," and shall receive every petition of appeal, and transmit the same to the court of appeal at Benares; and the judge shall cause notice in writing to be given to the appellant, that he will within six days certify to the court of appeal the several proceedings had in the cause appealed, and that if the appellant shall not proceed in his appeal within fourteen days after the same shall have been received by and filed in the court of appeal, his appeal will be dismissed, unless the appellant shall show reasonable cause to the satisfaction of the court for not proceeding therein."

Record and papers how to be certified to the court of appeal.

Third. 2d. "That the judge of such *mofussil dewanny adawlut* shall within six days next after the receipt of such appeal, certify under his hand and the seal of his court, to the resident as judge of the court of appeal at Benares, the record so made up, and authenticated as aforesaid, together with the original complaint, answer, replication, and rejoinder of the parties, and the original depositions, exhibits, and every original paper read in the cause; and before he shall transmit the same to the court of appeal, cause true and faithful copies of all such originals, authenticated by the signature of the *serishtadar* or head *moonshee*, to be made out and deposited in the *mofussil dewanny adawlut*, in lieu of the originals, which said copies shall be, and shall be esteemed, records of the court."

In what causes an appeal is to lie from the decision of the court of appeal at Benares.

Fourth. 3d. "That where the cause of action shall not exceed one thousand rupees, the judgment of the resident, in his capacity of judge of the court of appeal at Benares, is to be final; but in causes exceeding that amount, the parties are to be at liberty to appeal from the decision of the resident, to the Sudder Dewanny Adawlut at Calcutta, under the restrictions prescribed in the regulations for the administration of justice, in the provinces of Bengal, Behar, and Orissa."

Rules for ascertaining in such cases the value of the subject litigated.

Fifth. 4th. "That for the purpose of ascertaining what causes are, and what causes are not appealable, from the court of appeal at Benares, to the Sudder Dewanny Adawlut at Calcutta, the mode of fixing what causes exceed, and are under, one thousand rupees, shall be as follows: In causes respecting land, it shall be estimated according to the annual produce or *jumma*, that is to say, *lakheraje* land at ten times the amount of its annual produce; *ayma* lands paying a quit rent to Government, at twenty times the amount of the annual quit rent; and *malguzaree* land, at one year's amount of the *jumma* to Government; and if for a house and the ground belonging to it, according to the price in the bill of sale, or if there be no bill of sale, according to the appraisement of two creditable appraisers of the place."

Process in respect to the execution of the decision of causes liable to be appealed.

Sixth. 5th. "In all causes, the *mofussil* judges are, after hearing the cause and the evidence produced, and considering all the vouchers of both parties, to pass their decision thereon, according to the Mussulman and Hindoo laws, in the manner distinctly specified in regard to each in their *sunnuds* of investiture, which they are to announce in the public *cutcherree* to the parties, and to furnish each of them with an attested copy of the decree passed under the judge's signature, and the seal of the *adawlut*, which decrees the judges are respectively to order on the next court day to be carried into execution, if either of the parties shall not then or before have applied to appeal, in which case, the judges are to act according to the regulations contained in the preceding articles."

Seventh.

Security to be taken from parties in civil suits.

Seventh. 6th. "The judges are, on the institution of each cause, as soon as the petition of complaint is received, to take sufficient security from the parties in the cause to carry on their suit, and to abide by the judgment of the court when passed, or to appeal therefrom, in the manner directed by the preceding regulations."

Jurisdiction of the court of appeal at Benares extended over the city court.

XI. The Governor General in Council having extended the jurisdiction of the court of appeal at Benares, to hearing appeals from decisions of the city court of Benares, established as specified in Section 2, the native judge was advised accordingly on the 11th of May 1788. On the 6th of August following, the Governor General in Council determined, that the court of appeal should not receive any appeals from causes decided by the judge of the city court previous to the 31st of August 1787, the date of the then resident's first arrival at Benares.

Rule in respect to bonds of old date.

XII. On the 11th of October 1788, a rule was passed, directing the courts at Ghazeepore, Juanpore, and Mirzapore, to entertain and try all civil suits founded on bonds of whatever date, in part of which any payments had been made within the period of the twelve years fixed for rendering causes cognizable.

Mahomedan and Hindoo laws to be conformed to in the city court of Benares.

XIII. On the 20th of October 1788, the court of appeal at Benares, directed the same use and application of the Mahomedan and Hindoo laws respectively, to be observed in the city court of Benares, as had been prescribed to the courts of Mirzapore, Ghazeepore, and Juanpore.

Establishments provided for the two country courts of *moolky dewanny* and *moolky foujdaree adawluts*.

XIV. Some provision was thus made for the administration of justice in the city of Benares, and the towns of Mirzapore, Ghazeepore, and Juanpore; but the jurisdiction of these courts being confined to the limits of the city and towns in which they were respectively established, and not extending into the interior parts of the *zemindaree*, the greater proportion of the inhabitants were still left without any adequate protection, or means of procuring redress. For although some steps had been taken in 1786, towards the institution of a court of justice for the country, (hence called the *moolky* or country *adawlut*,) with the limited authority of hearing and trying such causes as the resident might refer for that purpose, its powers and influence were so circumscribed, as to be productive of little benefit, until the month of October 1787, when this tribunal was formed into two distinct courts, one denominated the *moolky dewanny adawlut*, or civil country court, and the other, the *moolky foujdaree adawlut*, or criminal country court. A separate judge was nominated to each of these courts, and under the subsequent instructions of the Governor General in Council of the 29th of February, and 3d of October 1788, adequate establishments were assigned to these two *moolky adawluts* on the 26th of November following. The *moolky dewanny adawlut* was vested with powers to hear, try, and decide, all civil suits arising in the four *sircars* composing the *zemindaree* of Benares, with the exception of the city of Benares, and the towns of Mirzapore, Ghazeepore, and Juanpore. The *moolky foujdaree adawlut* was vested with a co-extensive criminal jurisdiction; and both of these courts were placed so far under the superintendence of the resident, that appeals lay to him from the former, and the *futwas* or sentences of the latter were rendered subject to his revision. The same application of the Mahomedan and Hindoo laws was directed to be observed in these courts, as in the other established courts above mentioned.

Extent of the jurisdiction of these courts.

Rules passed on the 18th January 1789.

XV. *First.* On the 18th of January 1789, the rules contained in the following clauses were prescribed for the guidance of the *moolky dewanny adawlut.*

Term limited for causes being actionable in the *moolky dewanny adawlut.*

Second. The judge was authorized to take cognizance of such civil actions coming within the cognizance of the court, as had originated within the twelve years previous to the 26th of November 1788, but he was ordered not to hear causes of older date, unless they were referred to him for that purpose.

In respect to prosecutions for lands and *zemindaree* rights.

Third. In consequence of the regulation passed by Government on the 11th of April 1788, the court was prohibited from taking cognizance of claims to lands and *zemindaree* rights, where the party had been dispossessed antecedent to the 1st of July 1775, answering to the Fussily year 1182.

Causes relative to the revenue.

Fourth. Causes relating to the collection of the revenue, were declared not cognizable in this court, unless referred to it.

Form of oath to be used in this court.

Fifth. The court was prohibited from administering any of the oaths described in the books of the Hindoos, excepting the oath on the water of the Ganges.

Sixth. Orders for possession of land awarded by decrees of this court, were directed to be issued from the office of the resident, on the parties exhibiting the decrees.

How decrees for landed property were to be executed.

Seventh. The process of this court for summoning witnesses, and parties, was directed to be served through the *aumils* and *jaghiredars*; and any neglect on the part of the said officers and persons in executing the process, was punishable by a fine to be imposed by the resident.

Pocess of this court in regard to summoning parties and witnesses.

Eighth. In cases in which the party cast might plead inability to pay the amount adjudged against him, the judge was instructed to propose the liquidation of it by a *kistbundy* to be agreed to by the parties, taking security for the *kists* or instalments being duly discharged. In the event of failure in the payment of the instalments, and of the party cast not appealing to the court of appeal, he was to be detained in jail for three months, at the expiration of which period, the judge was to receive from the plaintiff, and to report to the resident, the means possessed by the defendant for the liquidation of the claim adjudged against him, and to wait the resident's instructions.

Rule for the enforcement of decrees.

Ninth. The judge was authorized to punish contempts committed in open court, by a fine not exceeding ten rupees, and by committing the party to custody until the fine was paid; and in the case of the party guilty of the contempt, being unable to pay the fine from indigence, the judge was allowed to punish him by the infliction of any number of stripes, not exceeding fifteen. On the 2d April 1794, the court was authorized to dismiss the claim of the party for such contempts, but without depriving him of his right to have recourse for a further hearing to the court of appeal.

Punishment of contempts.

XVI. To abolish the practice which had more or less obtained in different parts of the *zemindaree*, of creditors seizing on the persons of their debtors, and detaining them in confinement until their claims were satisfied, a proclamation prohibiting this abuse was issued by order of the Governor General in Council on the 13th of July 1789, in which it was declared, that any person convicted in a court of justice of having confined another on account of debt, should forfeit all claim to such debt, or be subject to the payment of such a sum of money as damages to the person confined, as the court might think proper to award, upon a consideration of the circumstances of the case. This rule was notified to the judges of the several courts for their information and guidance.

Penalty for creditors seizing on and confining the persons of their debtors.

XVII. On a consideration of the nature of mortgage deeds, on the 28th of August 1789, it was made a general rule for the guidance of all the courts, that suits preferred relative to writings of this description by any parties interested therein, should not be restricted to any limitation in point of time, but be allowed to go to issue on their merits, with the exception specified in clause eighth, Section 35.

Rule in respect to suits founded on deeds of mortgage.

XVIII. On the 18th of September 1789, the judges of the *moolky dewanny* and *moolky foujdaree adawluts* were sworn into their offices, their oath of office being to the same purport as that taken by the judges of the towns of Ghazeepore, Juanpore, and Mirzapore.

Oaths of the judges of the *moolky adawluts*.

XIX. On the 21st of November 1789, the judges of the several courts were directed to receive, try, and decide, all suits according to the regulations, without waiting for or making any plea of delay, for their not being referred for that purpose by the resident, as no such references would be made in future, excepting in cases of complaint for undue delay or denial of justice, or other apparent irregularity in the courts.

Judges of the several courts, to receive and try all complaints and suits preferred agreeably to the regulations.

XX. On the 12th of December 1789, on the forming of the general settlement of the public revenue to be paid from the lands throughout the *zemindaree*, the judge of the *moolky dewanny adawlut* was informed, that the *pottahs* then issued not being meant to fix the proprietary right in lands, but only to ascertain the revenue payable from each estate, he was therefore not to consider those deeds of settlement, as any bar to the admission of suits preferred in conformity to the regulations, respecting the proprietary right in such estates. To this effect, engagements were taken from the parties with whom the settlement was made, as specified in Section 16, Regulation II. 1795.

Pottahs not to be considered as fixing the proprietary right in lands.

XXI. On the 2d of January 1790, the following rule was passed for the guidance of the *moolky dewanny adawlut*. That where a defendant shall have absconded, and is not after diligent search to be found, the judge shall cause a written notice to be stuck up in the court-

Rule for the *moolky dewanny* court in cases in which defendants could not be found, or refused to attend.

court-room, and also send a copy thereof to the *aumil* of the district in which such defendant lives, to be posted on the door of the house in which such defendant may reside, specifying, that if he shall not appear to defend the suit on or before the expiration of one month from the date and issuing of such publication, the cause shall be heard and decided on the evidence which may be adduced on behalf of the plaintiff. On the 15th June 1792, a similar rule was extended to persons refusing to attend the court, after a summons had been duly served on them.

Rules and restrictions for the guidance of the *moolky dewanny adawlut*, in respect to *zemindaree* claims.

XXII. *First.* To prevent the evils and inconveniencies likely to arise from the great prevalence of the spirit of litigation between parties claiming to be restored to *zemindaree* rights, the following rules were passed on the 21st of March 1790, for the guidance of the judge of the *moolky dewanny adawlut.*

Zemindars when defendants may attend in person or by *vakeel*.

Second. 1st. "No *zemindar* shall be required to attend in person to defend any suit which may be instituted against him, but the summons shall express that he may appear for that purpose in person, or by his authorized *vakeel.*"

Moochulka to be executed by claimants to *zemindaree* rights.

Third. 2d. "Before any process is issued for summoning a *zemindar*, or his *vakeel*, in any suit relative to the proprietary right in his *zemindaree*, a *moochulka* is to be taken from the claimant, specifying in what year since 1182 Fussily, he had possession, either as a partner with, or in exclusion of, the party now in possession. The *moochulka* is to express in the body of it, that if the period of the plaintiff's possession therein specified prove untrue, his suit for that cause alone shall be dismissed; and until this *mochulka* be entered into, no summons or process shall issue against the defendant."

Security for damages to be entered into by claimants to *zemindarees*.

Fourth. 3d. "After executing such *moochulka*, the plaintiffs are further to enter into such security as the court shall deem sufficient, to pay, in case they ultimately fail in their suits, such damages to the *zemindar* who is the defendant, as the prosecution of their unjust complaint shall have occasioned to him; the amount of which damages is to be adjudged by the court on the decision of every such suit, and recovered in like manner as all other decrees for sums of money are directed to be carried into execution.

Defaults for which claims to *zemindarees* are to be dismissed.

Fifth. 4th. "In case of the plaintiffs mentioned in the two preceding articles, refusing to enter into the required *moochulka* and security, their claims are to be dismissed, and the process in all such *zemindaree* causes now depending in the court, is to be suspended until the security above required be entered into, after which they are to be proceeded with, or, if not entered into, such causes are to be likewise dismissed. The parties, however, in all such causes as may be so dismissed, shall have the option of appealing to the court of appeal.

Decrees relative to *zemindarees* to be reported to the resident.

XXIII. On the 10th of July, and 3d of September 1790, it was made a rule, in addition to the rule contained in clause sixth, Section 15, that the judge of the *moolky dewanny adawlut* should advise the resident of all decrees passed by him adjudging the possession of any *zemindaree*, or other landed estate, whether paying revenue, or held exempt from the payment of revenue.

Rules for levying a *russoom* or commission on causes tried in the city court.

XXIV. Under the authority of an order passed by the Governor General in Council on the 1st of July 1789, the resident having authorized the judge of the city court of Benares to receive, from the 22d of September following, a *russoom* or commission of one per cent. on the amount of claims preferred in civil suits instituted in that court, the following rules for levying it, were adopted on the 5th of August 1790. Where the cause or claim was for ready money, the prescribed *russoom* was directed to be levied on the amount; but on claims for *malguzaree* land, the *russoom* was ordered to be calculated on the annual revenue payable to Government; and on claims for *lakheraje* lands, on ten times the amount of the annual produce; and on claims for *ayma* lands paying a quit rent to Government, on twenty times the amount of the annual quit rent; and on claims for houses and gardens, on the price specified in the bill of sale, or, where there was no bill of sale, on the current value of the property to be ascertained by enquiry, or from the opinion of two creditable builders, who were to report the value of it to the *adawlut* on oath. Such *russoom* was directed to be paid in deposit by the plaintiff, at the time of filing his bill of plaint; but in the event of the decree being given against the defendant, and the whole of the money or property demanded by the complainant, being decreed to the plaintiff, a sum equal to the deposit was to be award-

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ed to the plaintiff, and added to the decree given in his favour; but if part only of the plaintiff's claim was decreed to him, a sum bearing the same proportion to the money or value of the thing decreed, as the deposit did to the demand laid in the complaint, was ordered to be adjudged and added to the decree, and recovered from the defendant, in the same manner as any other money, or the value of property, which might be awarded against him.

XXV. On the 30th of August 1790, it was ordered that appeals should not lie from decrees founded on the awards of arbitrators, unless the party desirous to appeal, should establish by the evidence of two credible witnesses, corruption, or gross partiality, against the arbitrators.

Appeals not to lie from the awards of arbitrators. Exception.

XXVI. On a query submitted by the judge of the *moolky dewanny adawlut*, respecting the term of intermediate possession subsequent to the period of limitation specified in clause third, Section 15, which should be construed as entitling a person to prosecute for permanent reinstatement, the resident, on the 4th of September 1790, informed him, that possession during one year since such period, and the prosecuting party having closed the collections, were necessary for that purpose, and that an interrupted tenure of one, two, or four, or more months, was not to be considered sufficient.

Length of intermediate possession required to found a decision on for *zemindaree* rights.

XXVII. On the 11th of September 1790, the several courts (excepting the court for the city of Benares) were instructed by the resident to take *hazerzaminee*, or security for the appearance of all plaintiffs in civil suits; and they were further informed, that, (besides the security required in *zemindaree* suits by Section 22,) the sureties for the defendants were to be bound, not only for the parties being forthcoming, but that such defendants, after the court's judgment had passed, should either abide by, and perform the requisitions thereof, or appeal from it according to the regulations; in default of which, such surety or sureties, were to stand engaged to make good whatever part of the plaintiff's claim should have been so established. This rule was extended to the court of the city of Benares.

Further rules as to securities in suits.

XXVIII. On the 19th of September 1790, the *vakeels* of *aumils* were prohibited from practising as *vakeels* in the *moolky dewanny adawlut*.

Vakeels of *aumils*, not to practise as court *vakeels*.

XXIX. To save the expence of management to parties prosecuting for *zemindarees*, the *moolky dewanny adawlut* was instructed, on the 21st of October 1790, to make it a general rule to appoint the *canoongoes* to hold the charge of such revenue lands as might, under the process of that court, be temporarily attached pending the suit, in consequence of the nature of the tenure of the litigating parties.

Canoongoes to hold the temporary management of lands sequestered by the *adawlut*.

XXX. The judge of the *moolky dewanny adawlut* having requested to be informed, whether in the practice of the court, he might admit the oaths in use amongst the Hindoos, which rest the proof of the fact to be determined by the contingency of any evil or misfortune befalling, within a certain number of days, the family, connections, or property, of the party swearing, he was acquainted, on the 1st February 1791, that such oaths were not to be admitted.

Prohibition of the use of certain oaths in the practice of the courts.

XXXI. On the 14th of February 1791, the *moolky dewanny adawlut* was prohibited from taking cognizance of claims to *zemindarees* in the raja's family *pergunnah* of Kuswar, unless such claims were expressly referred to it for that purpose.

Restrictive rule in respect to *zemindaree* claims in Kuswar.

XXXII. In the case of a *zemindaree*, the property of Mahomedans, in which there were several partners, but which was held and managed by one of them as the principal, who made his partners some allowance out of the produce, but not in proportion to their respective shares, the judge of the *moolky dewanny adawlut*, having on the 3d April 1791, desired to know whether the claim of the partners to be put in possession of their full shares might be admitted, he was answered in the negative, and that such partners could not be entitled to any thing more than they had enjoyed within the period limited in clause third, Section 15, for the general restoration of landholders.

Application of the rules in respect to *zemindaree* rights against claimants prosecuting for larger interests therein, than they held previous to the period of limitation.

XXXIII. The restoration of the village *zemindars*, at the conclusion of the permanent settlement in the year 1197, corresponding with the years 1790-91, having given rise to many disputes between them, concerning the boundaries of their several estates, a proclamation was issued on the 7th of April 1791, declaring, that all lands and ground were to remain as they stood annexed and possessed up to the year 1182 Fussily, (ending in September

Period of limitation in regard to disputed boundaries.

 1775,)

Exception.

1775,) and that no claims were to be admitted contrary to this principle; with the exception of such cases, as having originated antecedently to the year in question, were then still in a course of enquiry, either by arbitration or otherwise, under the authority of the existing native Government, and still remained unadjusted; in such cases, it was determined that the resident on the application of the parties might refer the hearing of the cause to the *adawlut*, which was thereon to take cognizance of the suit, and to decide it according to justice, without reference to the period of limitation.

Rule made general for levying *russoom* or commission on causes.

XXXIV. On the 18th May 1791, the rules in Section 24, for levying *russoom* or commission on civil suits, were extended to all the other courts within the *zemindaree*, including the court of appeal.

Further rules for the guidance of the *moolky dewanny adawlut*, in respect to suits for the recovery of *zemindaree* rights.

XXXV. *First.* In continuation of the provisions in Sections 15, 26, and 32, for ascertaining the right of dispossessed *zemindars* to prosecute for their reinstatement, the further rules in the following clauses were passed on the 5th of June 1791, for the guidance of the *moolky dewanny adawlut*.

Putteedars entitled to claim reinstatement on the foundation of any of their brethren having held possession within the limited period; either as landholders, or farmers,

Second. The possession within the period limited in clause third, Section 15, of any one or more of the *putteedars* or sharers, in any one or more *puttees*, or shares, in a *talooka*, village, or *zemindaree*, either as *zemindar* or farmer, is to entitle to restoration all the other persons having a right to claim, as *putteedars* of that *talooka*, village, or *zemindaree*, whether such *puttees* were distinct or common.

and whether or not the *putteedar* in whose right the claim is preferred shall think fit to join in it.

Third. Possession within the period limited in Section 15, is to entitle to restoration the partners of any *putteedar*, or partner, having held such possession, although the *putteedar* in whose person the right shall thus have been obtained may not think fit to join the other *putteedars* in suing for it.

Circumstance under which *maliks* or proprietors may exclude farmers who are joint tenants with them.

Fourth. In the case of a *malik* or proprietor of land being in possession as a farmer, in partnership with another, who claims no right of property, but who holds merely as a farmer, the renting partner, who is also *malik* or proprietor, on indemnifying his farming partner for all losses he may in the judgment of the court have sustained by the tenure, shall be competent to remain singly in possession, as proprietor, to the exclusion of the farming partner.

Any *putteedars* regaining possession, to entitle all the others to reinstatement, how long soever dispossessed,

Fifth. Any *putteedar* or partner regaining possession, is to entitle all the other *putteedars* to re-enter likewise, although these last may not have held possession within the period limited under Section 15.

and whether the party in virtue of whose right from possession the claim is made, be alive or dead.

Sixth. The heirs of deceased *zemindars*, who shall have had possession within the period limited under Section 15, may sue for, and are entitled to restoration.

Separations and annexations of land prior to 1182 Fussily, not alterable.

Seventh. No *zemindar* shall be entitled, in consequence of his restoration to any village or estate, to recover by suit in the *adawlut*, lands alleged by him to belong to such village, but which shall be known to have been separated therefrom, and annexed to another estate, previous to the period limited for the general restoration of landholders in Section 15.

Claims to reinstatement founded on deeds of mortgage are to be rejected; residuary claim vesting, in respect to such redeemed mortgages.

Eighth. Claims to land founded on the redemption of the mortgage thereof, but of which, neither of the parties concerned in the transaction of such mortgage, shall have been in possession within the period limited for the general restoration of the landholders under Section 15, are to be rejected; but such parties who shall thus have redeemed their own or their forefathers' *zemindarees*, will be nevertheless entitled to restoration under Section 3, Regulation I. 1795, on the existing lease being avoided by the death, resignation, or removal of the farmer.

Rules for ascertaining the right to independence or separation, in the case of village *zemindars* paying their revenue through a *talookdar*.

Ninth. In the event of a *talookdar*, previous to the period limited for the general restoration of landholders in Section 15, having taken in farm any part of, or the entire lands of another proprietor, who shall have since continued to pay the revenue of such lands to the said *talookdar*, or through such *talookdar* to Government, the landholder so situated shall not be entitled to be rendered independent of such *talookdar*, unless he shall have paid his revenue separately from such superior, during one complete year, within the period limited in Section 15.

Putteedars acquiescing in inferior interests within the period fixed for reinstatement, to be bound thereby.

Tenth. In the event of one of the *putteedars*, within the period limited for the general restoration of landholders, in Section 15, having contracted as a principal for the revenue with Government, and made to his *putteedars* or sharers some allowance in consideration of their right in the estate, this situation is not to entitle them to prosecute for personal possession or management

management of any part of such estate, or other, or superior rights, to those in which they had acquiesced.

Eleventh. If a landholder prosecuting for restoration, shall establish to the satisfaction of the court, that he has *bonâ fide* held possession, although not in his own name but by another, acting on his part as a farmer or renter of the lands sued for, he shall thereby become entitled to reinstatement, in the same manner as if the tenure had been in his own name, unless the party thus suing shall be one of the dispossessed *aymadars*, or one of their heirs, to the reinstatement of whom an exception is made in Regulation II. 1795.

Possession by agency to be considered the same in respect to the right to reinstatement, as direct occupancy.

Exception as to certain *aymadars*.

Twelfth. In cases of claims to the property in houses, if the claimant shall prove that at any time within the period limited for rendering such cases cognizable under clause second, Section 15, he in any wise contested the right with the party in possession, it is to be considered sufficient to render his suit cognizable in the *adawlut*.

What shall be deemed as a saving claim in respect to houses,

Thirteenth. The recovery within the period referred to in the last clause, of any part of a loan made previous thereto, is in like manner to entitle the creditor to prosecute for the residue of the debt, as in the cases specified in Section 12.

and in respect to claims of debt.

Fourteenth. The allegation of any dispossessed landholder, of his having received from the party in possession of the lands claimed by him, some consideration in money, or ground, as *malikanah*, is not to be held sufficient to entitle such party or parties to prosecute for reinstatement, if he or they shall not have had possession, and paid the revenue for one complete year, within the period limited for the general restoration of landholders in Section 15.

The receipt of any consideration in money or *malikanah* within the period of limitation prescribed in Section 15, not to entitle a claimant to reinstatement in the land.

Fifteenth. In the event of a widow, previous to the term limited under Section 15, having been left by the heirs of her late husband, in the enjoyment of his estate for the period of her own life, the circumstance of such arrangement having thus taken place antecedently to the period for rendering causes actionable, is not to be a bar to the husband's relations prosecuting those of the widow, to recover from them her husband's estate, as the cause of action was to be considered to have arisen from the date of such widow's demise.

Contingencies provided for anterior to, but occurring after, the period of limitation for reinstatement, to be construed in favour of the claim.

XXXVI. *First.* On the 2d of July 1791, the following further clauses were added to the rules specified in Sections 10. and 11, for appealing from the decisions of the several courts.

Additional rule in respect to the process of causes in appeal.

Second. Appeals are to be dismissed, if the *russoom* and the security required from the parties presenting them, be not delivered in within ten days after the presenting the petition of appeal.

Third. Appellants neglecting to proceed with their appeals during fourteen days, or departing from the court without leave, shall be liable to have their appeals dismissed, as specified in clause second, Section 10.

XXXVII. In a prosecution instituted on behalf of the parties interested in a bill of sale for land conveyed to the party in possession, under circumstances from which the prosecutors argued the invalidity of such deed of conveyance, the judge of the *moolky dewanny adawlut* passed a decree dismissing the suit, under the rules in clause third, Section 15; it was signified to him by the resident on the 17th of July 1791, that the rules in question, as far as regarded landed property, having been enacted to regulate the admission or rejection of claims to *zemindaree* rights, that had been resumed by the preceding native government, and not having in view the claims of landholders, or of individuals against each other, on pleas such as the present, of compulsive bills of sale, he was therefore desired to resume the hearing of this cause, and to try it on its merits, and of course all other causes, in a similar predicament.

Rule in respect to cases founded on compulsive or irregular bills of sale passed since the Company's acquisition of the *zemindaree* in 1182 Fussily.

XXXVIII. To enable the resident to ascertain whether there were any suits, the circumstances of which on principles of equity might entitle the parties to have them referred for trial under the discretionary power vested in the resident by clause second, Section 15, the judge of the *moolky dewanny adawlut* was directed on the 3d and 15th of August 1791, to make a report to the resident of all causes then about to be dismissed under the rule of limitation, and to direct the parties themselves to shew cause to the resident why their suits should not be dismissed, that he might pass such order thereon as might seem to him proper.

Causes dismissed to be reported.

General rule for plaintiffs to enter into securities to pay such costs and damages as might be awarded.

XXXIX. The resident, considering the hardship under which defendants in causes laboured, from there being hitherto no settled mode, (except in *zemindaree* causes,) of indemnifying them for the costs and charges incurred in the defence of unjust claims preferred against them, on the 14th of October 1791, a circular order was issued to all the *adawluts*, to the same purport as the provision made for the guidance of the *moolky dewanny adawlut* in respect to *zemindaree* causes, under clause fourth, Section 22. And on the 30th of October 1791, it was ordered, that until such security be given, the defendant is not to be summoned, nor the plaintiff's petition to be proceeded on, except in cases in which the judge may think it probable that the plaintiff prefers a just claim, but from indigence, is unable to deliver in the required security.

Golah oath allowed of under certain restrictions, in respect to boundary disputes.

XL. On the 14th October 1791, the Governor General in Council was pleased to authorize the resident, to admit of the mode of trial by the *golah* oath, for the adjustment of disputed boundaries, in cases in which the parties, without having recourse to the regular process of the *adawluts*, should voluntarily prefer this mode of decision.

Evidence of Hindoos to be valid in regard to Mahomedans.

XLI. On a question submitted by the judge of the *moolky dewanny adawlut*, stating that according to the Mussulman law, the evidence of Hindoos could not be legally received in causes relative to Mahomedans, and requesting instructions how to proceed ; in consequence, the resident acquainted him, on the 22d of March 1792, that in consideration of the state of society in this country, it was necessary to receive as valid, the evidence of Hindoos in the causes of Mahomedans.

Judge not to correspond with suitors.

XLII. On the 18th of March 1794, in consequence of orders to that effect, passed by the Governor General in Council on the 7th of the same month, the several courts were prohibited from corresponding with parties in causes, who were required to submit their representations to the court, either in person or by *vakeel ;* on which the judges respectively were directed to pass such orders as they might think fit, leaving it to the suitors to have recourse to the court of appeal, if they were dissatisfied with the orders so passed.

Engagements to be taken from Europeans prosecuting natives.

XLIII. On the same date, the courts were advised of the orders passed by Government on the 7th of March 1792, and furnished with the form of the security bond to be entered into by all Europeans, who might institute any suit against a native or natives in the courts in question, according to the prescribed form in Regulation XXVIII. 1793, extended to the province of Benares by Regulation XXIV. 1795.

Mode of redeeming mortgaged land.

XLIV. On the 26th of March 1794, it was made a general rule, that all persons desirous of redeeming mortgaged land, should apply for that purpose to the *moolky dewanny adawlut*, or to the court having the local jurisdiction, that the accounts of the mortgage being adjusted and any balance due discharged, the mortgage might be declared redeemed, and that, on notice thereof from the proper court, the resident might cause possession of the property to be delivered to the party thereby become entitled to it.

Parties not to sue in the courts in which they are judges or officers.

XLV. On the 1st of April 1794, a rule was made to prevent the cause of any officer or servant of the several courts, from being tried in the court to which he might be attached. Such causes were directed to be referred by the court, after the sanction of the court of appeal had been obtained for that purpose, to be heard in one of the other courts. This rule was also occasionally observed in instances where the parties applied to have their causes transferred from the court of one jurisdiction to that of another, under the plea that they expected to obtain a more speedy, or just decision of their suits.

Time limited in respect to the sale of houses under decrees of the *adawluts*.

XLVI. On the 4th of August 1794, it was made a general rule for the guidance of the courts, that the notice to be given of the sale of houses in satisfaction of decrees, should not be less than fifteen days; and that this notice should be given by public advertisement, so as to allow sufficient time for parties who might have claims on such property, to be apprized of the intended sale, and to prefer any objection they might have to offer to its taking place.

Rule in respect to the redemption of lands sold to *aumils* for balances.

XLVII. On the 4th of January 1795, the rule established under clause third, Section 15, Regulation II. 1795, relative to such bills of sale as might have been made to *aumils* for balances of the public revenue, up to the 19th of September 1794, (when such conveyances were altogether prohibited,) was communicated for the information and guidance of the *moolky dewanny adawlut*.

Further general rules for limiting the period within which causes are cognizable by the several courts.

XLVIII. On the 5th and 8th of September 1794, in pursuance of orders from the Governor General in Council under date the 15th of August preceding, the city court of Benares was restricted from entertaining suits in which the cause of action was of older date than twelve years; and with a view to reduce to one uniform rule the several orders relating to this period of limitation, in respect to the other courts, as already stated under Sections 8. and 15, a circular order and notification was written on the 13th of January 1795, to the *moolky dewanny adawlut*, and to the *dewanny* courts of Mirzapore, Juanpore, and Ghazeepore, prohibiting them from hearing claims of longer standing than twelve years, with the exceptions in regard to mortgages and bonds already specified under Sections 12. and 17, and to *zemindaree* rights and claims to lands as separately limited in the preceding sections of this regulation; but at the same time providing, that when the complainant can shew by clear and positive proof, that he had made demand of the sum or matter in question, and that the defendant had admitted the demand, or promised to pay the money, or that he directly preferred his claim for the matter in dispute, to the *hakim-ul-wukht*, or magistrate for the time being, within that period, and without any default on his part, that the suit had not been proceeded with; or shew that either from minority, or other good and sufficient cause, he had been precluded from the means of procuring redress. All causes under these circumstances were to be heard, inclusive of all such claims as should be referred for that purpose by the court of appeal, and instructions to the same effect were issued to the city court.

Cases in which the requisition of securities in civil suits, is to be dispensed with.

XLIX. On the 13th of January 1795, the rules in Section 10, Regulation VIII. 1795, for dispensing with security in civil suits in the case therein mentioned, were issued to the city court, and to the *moolky dewanny adawlut*.

Rule relative to the lands formerly purchased by Abdullah, in the district of Ghazeepore.

L. On the 19th of February 1795, the judge of the *moolky dewanny adawlut* represented that Sheikh Abdullah, the father of Ali Azeem Khan, having heretofore purchased several villages from the ancient *zemindars* in the *sircar* of Ghazeepore, and the heirs of the latter having nevertheless obtained *pottahs* for such lands, at the conclusion of the permanent settlement in 1197 Fussily; such *pottah* holders, or some of them, in bar to prosecutions being instituted against them by parties claiming to be their partners, alleged that in consequence of their ancestors having sold the lands in question as aforesaid, they could be considered only as farmers, although the *pottahs* they had obtained were for *zemindaree* tenures. The judge desiring instructions on this point, he was informed that under the orders of Government of the 11th of April 1788, Sheikh Abdullah's purchases had been deemed void; and that in consideration thereof, his representative, the above named Ali Azeem Khan, now received a pension from Government, as reported by the resident in his letter to the Governor General in Council of the 15th of May 1788, and therefore that he was to admit the said suits, and to hear, try, and decide them, according to the letter and import of the *zemindaree pottahs*, held by the present incumbents.

Further rules as to issuing decrees;

LI. *First.* The city court of Benares was instructed to deliver or tender to all parties in civil suits, authentic copies of the decrees which might be passed in their causes, within eight days after the same might be passed, endorsing thereon the refusal of such of the parties as might decline to accept them; and this rule, as far as regarded the delivery of copies of the decrees, was subsequently extended to all causes previously decided. Similar instructions were given to all the other civil courts in the province.

receiving appeals,

Second. On the 7th February 1795, it was made a rule, that no petition of appeal should be admitted, unless the party had previously applied for and obtained a copy of the decree desired to be appealed from.

and as to appellants filing their objections.

Third. It was likewise made a rule, that appellants should deliver in their objections to the decree of the lower court, within a fortnight after the admission of the appeal, or their appeals should be dismissed, in conformity to the spirit of the original rule to that effect in clause second, Section 10, and of the further order in clause second, Section 36.

Instances of civil causes referred to the *moolky foujdaree adawlut.*

LII. Under the rule contained in Section 45, the resident occasionally referred civil causes, to be tried by the same process as in the civil courts, to the *moolky foujdaree adawlut*. This court, however, had jurisdiction only in such suits of this description as were expressly referred to it by the resident.

LIII.

Rules for the guidance of the courts of justice, in respect to the opium contract, and the rights of contractor.

LIII. The rules in this section, and the eight following sections, relative to the opium contract, were issued for the information and guidance of the courts of justice.

Penalty provided against the illicit provision of opium.

LIV. On the 21st of March 1790, the advertisement published by the Governor General in Council, under date the 19th of February preceding, was transmitted for the information and guidance of the courts of *adawlut*, in respect to that clause of it which prescribes levying from natives a fine of three hundred and seventy-five rupees, (half to be paid to the informer, and the other moiety to Government,) for every maund of opium which they might be proved to have procured or provided, contrary to the regulations for limiting the provision of that article to the contractor.

Summary of the conditions of the existing contract.

LV. *First.* On the 5th of May 1790, the following summary of certain of the clauses of the then existing contract, and the regulations for the provision of opium within the *zemindaree*, was transmitted to the several courts for their information and guidance.

Second. 1*st.* The contractor is to pay to the *ryots* or cultivators for their opium, at the rate of two Benares sicca rupees and eight annas per seer, each seer to weigh ninety-six Benares sicca rupees, and to make them advances in the former established mode, and to deduct one chuttack per seer, (equal to two seers and a half per maund,) in consideration of the moistness of the crude opium when delivered into the godown.

Third. 2*d.* When the poppy has attained the proper growth, the quantity of opium produced, is to be ascertained on the spot by the officer of the contractor, in concert with two or three creditable cultivators, who are to assist in forming the estimate. The cultivator is to execute an engagement to deliver the estimated quantity, together with any surplus which may be produced.

Fourth. 3*d.* The opium is to be fairly weighed by weights, bearing the mark of the resident, in the mode termed *dherm dundy*, so as to preclude the agents of the contractors from attempting to exact undue weight.

Fifth. 4*th.* In cases in which the short deliveries of the *ryot* shall appear to have proceeded from calamity of season, or other accident, and not from any neglect or fault on his part, the courts shall only adjudge him to restore a proportionate part of the advances made to him, with interest at the rate of eight per cent. per annum; if it shall be proved that the short deliveries have been owing to the negligence, or other fault of the cultivator, he shall restore such proportional advance with interest, at the rate of twelve per cent. per annum; if it be proved that short deliveries have originated in the cultivator's having embezzled or illegally disposed of the opium, he shall be subject to the payment of a fine of four sicca rupees per seer, and the opium shall be seized and confiscated; or if it cannot be found, the court shall award a fine of ten sicca rupees per seer.

Sixth. 5*th.* The above price of the commodity is to be paid to the *ryots* in full, without any deduction being made by the officers of the contractor, for *tulbana*, *batta*, *aret*, interest, or on any other plea or pretext whatsoever, under the penalty of the contractor's being subject, on proof of any such deductions or exactions, to pay a fine of three times the amount of them.

Further rules for the guidance of the courts on this subject.

LVI. *First.* On the 18th of May 1790, the judge of the *moolky dewanny adawlut*, having submitted certain queries respecting the opium contract, the resident furnished him with the following instructions, as appearing to him consistent with the spirit of the conditions of the contract.

Penalty for *ryots* disposing of the opium otherwise than to the contractor,

Second. In the event of a *ryot* selling the crude opium to any person excepting the contractor, such *ryot*, although the opium thus sold should be above or exclusive of the *koot*, or quantity estimated to be deliverable, under clause third, Section 55, is to incur a penalty of four rupees per seer, in addition to the confiscation of the opium, or, if the opium cannot be seized, ten rupees per seer.

or the produce of former years.

Third. For opium the produce of former years, sold otherwise than to the contractor, a fine of three hundred and seventy-five rupees per maund is to be levied from the seller, according to the proclamation published by the Governor General in Council, on the 19th of February 1790.

Fourth. Persons buying any quantity of opium from the growers, or otherwise than from the contractors, are to be liable to the payment of a fine of three hundred and seventy-five rupees per maund.

Penalty against purchases.

Fifth. These instructions were approved by the Governor General in Council on the 28th of May 1790, and were accordingly circulated for the guidance of the other courts.

LVII. On the 24th of May 1790, on a further query from the judge of the *moolky dewanny adawlut*, the resident informed him that the penalty for dealing in opium the produce of former years, as specified in clause third, Section LVI. was to extend only to the fine therein specified, and not to the confiscation of the opium. But on this answer being submitted to the Governor General in Council, he determined on the 2d of June 1790, that the opium therein described should be confiscated, in addition to the exaction of the penalty and the several courts were advised accordingly.

Further order directing that in addition to the penalty, the confiscation shall also take place of the opium of former years produce attempted to be illicitly sold.

LVIII. *First.* On the 17th of June 1790, the resident transmitted the following answers to certain questions submitted to him by the judge of the *adawlut* at Ghazeepore.

Consequences and penalty of bringing Behar or Oude opium to Benares.

Second. That in the event of opium, the produce of the dominions of the Nawaub Vizier, being seized in the *zemindaree* of Benares, and the owner pleading ignorance of the regulations existing against its importation, he shall be permitted to retain it, on entering into good security that he will not dispose of it in the *zemindaree*, excepting to the contractor; but that, if opium the produce of Behar should be so seized, it was to be confiscated, and the fine thereon levied according to the proclamation issued by the Governor General in Council on the 19th of February 1790.

LIX. On the 17th of September 1791, a rule was passed by the resident, allowing the opium contractor to prosecute suits relative to his contract, without the payment of the *russoom* or commission on the amount of his claims. This rule was confirmed by the Governor General in Council on the 25th of April 1794.

Opium contractor to carry on suits relative to his contract, without incurring the expence of *russoom* or commission.

LX. *First.* In December 1790, the judge of the *moolky dewanny adawlut* reported to the resident the circumstances under which certain prosecutions had been brought by the opium contractor against his servants, for alleged frauds and embezzlements; and desired that rules might be prescribed for his guidance, as those already issued did not appear to him to apply to the cases under litigation, which were as follow. 1st, For injuring the contractor in raising, or allowing to be grown, other articles, such as *gool masuffer*, in the poppy grounds, to the diminution of the produce in opium. 2dly, For embezzlements, by granting false receipts for, and making false entries of deliveries of the crude opium. 3dly, for embezzlements of cash, undue detention of the contractor's money, on plea of arrears of wages. The following rules were passed respecting the above cases, on the 31st of December 1790.

Further queries from the *moolky dewanny adawlut* in respect to the contractor's prosecutions for embezzlements and malversations, by his servants in the opium department.

Second. 1*st.* If it has always been customary to sow *gool masuffer* among the opium, and it shall not appear that the plaintiff prohibited this practice, the defendant is not liable to any special penalty on this account. But if the sowing of this article be a new practice, introduced by the agent of the contractor for his own advantage, in such case, an estimate is to be made of the diminution of the produce of opium thereby occasioned, and the value of such opium appreciated at the *bazar* or market price, is to be awarded to the plaintiff.

Rules thereon.

Penalty for diminishing the opium produce, by unduly mixing other articles of growth in the poppy beds.

Third. 2*d.* With regard to embezzlements committed by the servants of the contractor by their passing undue receipts for and entries of opium or otherwise, as the regulations against smuggling did not appear to apply to such frauds, the judge was instructed to award against the defaulters, a penalty equal to twice the *bazar* value of the opium ascertained to have been so embezzled.

For fraudulent entries and mistated deliveries of the crude material.

Fourth. 3*d.* At the same time that the servants of the contractor are subjected to the above penalties, they are to be secured in the receipt of their full wages, whilst in office, that is, until the period of their being replaced by their successors, and are to be considered bound to render a fair and just account of all sums or advances made to them by the contractor.

Servants to be secured in the receipt of their wages, and to render accounts.

LXI. The judge of the *moolky dewanny adawlut*, having applied to the resident to know whether by the term of the *bazar* value in clause third, Section 60, that of the city of Benares,

Rule as to the *bazar* value.

Benares, or the price paid by the contractors to the *ryots*, was to be understood, he was informed on the 3d of February 1791, that the opium was to be estimated according to its value in the *bazar* of Benares; this rule and that contained in clause third, Section 60, in consideration of the various circumstances under which these frauds were committed, so as to render one specific or general penalty inapplicable to each of them, were rescinded; and in lieu thereof, the judge was directed to award in all cases of this description, such penalty for any fraud or frauds, or opium embezzlements, committed by the contractor's servants, as by the law of the religion of the party prosecuted, might be ascertained to be equitable according to the circumstances of each case, as established on the trial.

Repeal of this rule, and penalties in such cases to be in conformity to the law of the religion of the party prosecuted.

Penalties against illicit buyers declared to be the same as against the sellers.

LXII. The judge of the *moolky dewanny adawlut*, in consequence of certain suits instituted in the court, having represented, that although he had been instructed respecting the penalties that were to be levied for the illicit sale of opium, yet that those against buying that article had not been fixed; he was directed, on the 28th May 1792, to adjudge the same penalties against the purchaser, as were prescribed for the seller. This order was in conformity to the proclamation issued by the Governor General in Council, under date the 4th of March 1791, which had been previously circulated to all the *aumils* for general information on the 9th of April 1791, and was afterwards communicated to the several courts, under date the 9th of June 1792: with instructions to cause to be paid in the instance of the purchasers therein specified, one half the fine to the informer, and the other moiety to Government; but to pay to the contractor as before the whole of the fine leviable from the *ryot* disposing of the opium. These further instructions were approved by the Governor General in Council on the 29th of the same month and year; and by his orders of this date, not only *ryots* embezzling or disposing of opium otherwise than to the contractor, are declared subject to the penalties specified in clause fifth, Section 55, and clause second, Section 56, but all *zemindars*, *talookdars*, or other landholders (when not themselves the purchasers or possessors of the opium, in which case they will be subject to the same penalties as *ryots* carrying on an illicit traffic in opium) are to be liable to a penalty of ten rupees per seer, for all smuggled opium that may be proved to have been sold within the limits of their lands, with their connivance or knowledge.

Mode of appropriation of the penalties incurred by parties purchasing opium clandestinely.

Penalty against landholders conniving at the illicit sale of opium within their limits.

Rules for the administration of criminal justice under the residency.

LXIII. The preceding sections of the present regulation, comprehend all the principal rules for the administration of justice in civil causes, as successively framed during the existence of the residency. With regard to the administration of justice in criminal cases, by the orders of the Governor General in Council of the 29th of February, the 6th of August, and the 28th of November 1788, and the 10th of June 1789, the resident was vested with authority to revise all trials and sentences passed by the native courts, and to sanction them if conformable to the Mahomedan law. The sentences thus approved were directed not to be referred to the Governor General in Council, previous to their being carried into execution, excepting in cases in which the resident might deem such reference necessary. No sentences however of a capital nature, or inflicting any severe punishment, were ever confirmed by the resident, or carried into execution by the courts, until they had been previously approved by the Governor General in Council, and directed by him to be enforced.

Brahmins convicted of murder to be transported beyond sea.

LXIV. *First.* It having been deemed objectionable to subject Brahmins within the *zemindaree* of Benares to capital punishment, for murder, or such other crimes, as according to the Mahomedan law, rendered them liable to that punishment, the Governor General in Council, on the 8th of October 1790, ordered that such criminals should in future be liable to be transported to Prince of Wales's Island, to be kept there during the remainder of their lives. Public notice of this rule was accordingly promulgated, on the 28th of December following, throughout the *zemindaree;* and on the 29th of November 1793, that place of transportation was changed by order of Government for the Andamans, to which island, by a further order of the 6th of June 1794, all persons who may be hereafter sentenced to confinement for life, for murder, robbery, or theft, are declared liable to be transported for a shorter or longer period, according to the nature of the offence.

Penalty of banishment denounced against the families of Brahmins found guilty of slaughtering their women or female children.

Second. On the 7th July 1789, the resident published throughout the *zemindaree*, the order of Government of the 17th of June preceding, denouncing the further penalty of banishment against the families of Brahmins convicted of killing their women or children, in the

the cases and under the circumstances therein set forth, and as more fully particularized in Section 9, Regulation XXI. 1795.

LXV. The following rule was passed by the Governor General in Council on the 29th of April 1791. That in future, where prisoners shall be sentenced by the criminal courts in the *zemindaree*, to lose two limbs, such punishment shall be commuted for fourteen years imprisonment and hard labour; and that in cases where prisoners shall be condemned to lose one limb, the punishment shall be commuted for imprisonment and hard labour for a period of seven years. This rule was accordingly notified to the several courts on the 10th of May following, for their information and guidance.

Commutation in respect to sentences of mutilation.

LXVI. *First.* On the 15th of July 1791, the Governor General in Council directed, that in all future trials for murder in the criminal courts of the *zemindaree* of Benares, the law officers should deliver the *futwa* according to the doctrines of Yusef and Mohummed.

Rule of law to be observed in the criminal courts.

Second. Agreeably to an order passed by the Governor General in Council, natives charged with the perpetration of murder within the limits of the fortress and garrison of Chunar, are to be delivered up, and tried in the criminal courts of the province of Benares. But lesser offences are to be left to be tried and punished in the garrison.

How far the native inhabitants within the limits of the garrison of Chunar, are liable to the jurisdiction of the courts of Benares in criminal cases.

LXVII. The preceding sections contain the principal rules for the administration of civil and criminal justice under the residency. The following relate to the general police of the *zemindaree*, and other miscellaneous matters, connected therewith.

Police regulations under the residency.

LXVIII. *First.* On the 14th of September 1787, a general prohibition was issued against natives dressing other *peons* or their servants in the uniform of the Honorable Company's native troops, on pain of such persons being apprehended and punished. This rule was afterwards repeated, and extended, in a proclamation, published by the Governor General in Council on the 26th May 1790, which comprehended the following clauses.

Prohibition against private servants appearing dressed like *sepoys*.

Second. 1*st.* " All persons, Europeans or natives, within the Company's provinces, which include the district of Benares, (excepting the *vakeels* from the native powers,) are positively forbid to dress any of their servants, either for the purpose of parade or of business, in the uniform of the Honourable Company's *sepoys* and *lascars*, or in a dress so nearly approaching to that uniform, as to enable the persons wearing it, to impose themselves on the country people for *sepoys* and *lascars*."

Third. 2*d.* " All natives excepting those actually in the military service of the Company, or belonging to the *vakeels* of the native powers, are forbid to wear a dress similar to that mentioned in the first article."

Fourth. 3*d.* " Collectors of districts, chiefs of factories, commercial and salt agents, magistrates, and other Company's servants, in official capacities, who are allowed establishments of *peons*, and *pykes*, or who have occasion to employ persons of that description, are prohibited from putting them in a military dress."

Fifth. 4*th.* " Native officers and *sepoys*, excepting *subadars*, *jemadars*, and *serangs*, even though in the service of the Company, who may temporarily reside, or have occasion to travel, in the interior parts of the country, unless employed on the public service, are forbid to wear their uniform coats."

Sixth. 5*th.* " By the operation of the foregoing articles, the use of a military dress will be confined to natives in the military service of the Company, (or to those belonging to the *vakeels* of the native powers,) and in the interior parts of the country, to such of them only, with the exception of the commissioned officers, specified in the fourth article, as may be employed on public duties; and to secure the full effect of these orders, the military commanding officers of stations, and of detachments, in the interior parts of the country, collectors of districts, residents, and magistrates, are hereby vested with authority, and are required to deprive any man of a military dress, who shall presume to wear one contrary to these regulations, unless it shall appear that such man is in the service of the Company, in which case, if he be not employed upon duty, he is to be sent to the corps to which he may belong, with a written complaint against him"

Seventh. 6*th.* " Military officers, or other persons to whom escorts may be allowed when travelling through the country by land, or proceeding by water, are forbid to send *se-*

 poys

poys or *lascars* into the villages for the purpose of procuring any sorts of provisions, or of pressing *coolies* and *dandies*. Every town and village, upon proper application to the chief person in it, will in consequence of instructions from the several collectors to that end, furnish such assistance in the above points, as they may be capable of affording, and by that means, render forcible and violent measures entirely unnecessary."

Eighth. On the 14th October 1792, the *aumils* were enjoined to attend to the due accommodation of travellers, whether Europeans or Asiatics, as an essential part of their duty, for any failure or neglect in which they would be held accountable.

Penalty against *begaree*, or constrained service.

LXIX. On the same date, a prohibition was issued against *begaree*, or the practice of individuals seizing, and compulsively exacting, service from artificers, masons, and other workmen, or servants, under the penalty of the offenders being fined for such offence, in a sum equal to double the usual wages of the person or persons thus put under constraint, to whom such fine is to be paid as an indemnification.

Prohibition against the use of compulsion in commercial transactions.

LXX. A general notification was published throughout the *zemindaree*, prohibiting all persons, whether British subjects or natives, from having recourse to any compulsion in carrying on trade, or forcing advances on the sellers, or taking the goods of any *ryot* or trader through violence, under the plea of purchasing them.

Discontinuance of fines on new settlers, and on the sale of houses in the mart of Mirzapore.

LXXI. *First*. It appearing to have been customary under the native government, to levy a tax or fine on all new settlers, as well as to receive one-fourth of the price of all houses, sold in the town or mart of Mirzapore; an order was issued to the judge on the 20th of April 1788, to discontinue these exactions.

Nature of the tenure held by the inhabitants of the *Engrezee mohullah* at Mirzapore.

Second. The mart of Mirzapore, having increased considerably in extent and population, an entire new and extensive quarter has been added to it, under the name of the *Engrezee mohullah*. For the ground in this *mohullah* on which the houses are built, *bukhsheshnamas* or grants, on the payment of a small fine of entry to Government, were issued by the resident, with the approbation of the Governor General in Council, exempting these tenements from all ground rent in time to come.

Prohibition against persons from employing badged *peons*.

LXXII. On the 2d of July 1788, the Governor General in Council directed a publication to be issued prohibiting all persons, (except the resident, the *raja*, and the judges,) from employing badged *peons*, in the management of their private affairs; and requiring the officers of Government stationed throughout the country, to apprehend all such persons, and send them to the resident, who was thereon to report the names of their employers to the Governor General in Council. Since the date of the publication, no person or persons, excepting those above specified, have been allowed to distinguish their *peons* by badges, excepting the commercial resident, and occasionally the opium contractor.

How French and other European subjects are to be proceeded against, if they commit any breach of the peace.

LXXIII. Under date the 12th November 1788, the Governor General in Council acquainted the resident, in his capacity of magistrate at Benares, that all Europeans, not British or French subjects, were equally amenable with the natives to the authority of the magistrate, within the said district, and to the jurisdiction of the *foujdaree* courts; and that in the event of any acts being committed by French subjects, which, had they been British subjects, would render them objects of a criminal prosecution and trial in the Supreme Court of judicature, such French subjects were to be apprehended on information being lodged against them upon oath; and sent to the presidency, if there appeared grounds for the institution of a criminal prosecution against them.

Proclamation issued against the exportation of slaves.

LXXIV. On the 7th of August 1789, the resident published the proclamation issued by Government on the 22d July preceding, prohibiting the purchasing or procuring natives of either sex, for the purpose of exporting them for sale, as slaves, to different parts of India, or elsewhere; and declaring that all persons, who should in future be concerned directly or indirectly, in this inhuman and detestable traffic, should be prosecuted with the utmost rigour in the Supreme Court at the expence of the Company; and if British-born subjects, that they should be forthwith sent to Europe; or if such person or persons should not be subject to the jurisdiction of that court, he or they, upon information being given to the local magistrate, should be apprehended and kept in confinement, to be dealt with according to the laws of the country.

LXXV. On the 10th November 1789, the exclusive privilege of providing *chunam* and firewood for the use and consumption of the city of Benares, which had been before let in farm, was abolished, and the traffic in these articles was rendered free.

Abolition of the *chunam* and firewood monopolies.

LXXVI. In consequence of the inconvenience and disputes which resulted from the same *ryots* cultivating lands on both sides of the line of frontier, between the district of Benares and the dominions of the Nawaub Vizier, this practice was prohibited on the 14th December 1790, and the *aumils* under both jurisdictions were apprized accordingly.

Prohibition against the same *ryots* cultivating on either side of the borders.

LXXVII. On the same date, a circular order was addressed to the *aumils* throughout the *zemindaree*, to cause the roads and highways to be kept in a due state of repair by the *zemindars*, and renters of each *talooka*, or village, as far as such roads and highways should extend through their own limits.

Highways to be kept in repair by the *emindars* and farmers within and throughout their respective limits.

LXXVIII. On the 23d December 1789, an engagement was entered into by the tribe of Rajkoomars, to renounce the practice which had long obtained among them, of suffering their female infants to perish under the circumstances specified in Section 13, Regulation XXI. 1795.

Prohibition against Rajkoomars killing their children.

LXXIX. On the 2d January 1790, a circular letter was written to the *aumils*, requiring them to be attentive to prevent any *zemindar* or farmer within their limits, from constructing any new *ghurree* or fort, or repairing any of the existing forts, it being desirable that the latter might gradually become unserviceable as strongholds. The *aumils* were at the same time instructed to endeavour to clear their several district of the *jungles* and thickets, which had been in many instances purposely allowed to grow by the landholders, as places in which they might take refuge, against the regular operations of the authority of Government. The clearing of these places was further necessary, as they afforded shelter to robbers and other ill-disposed persons.

Prohibition against the construction of new *ghurrees*, or repairing those that are still standing;

and *jungles* to be cut down.

LXXX. On the 12th March 1788, an establishment was formed for the protection of the inland trade, carried on by the Dukkhin road to Mirzapore. The persons appointed for that purpose have rendered themselves responsible for all robberies committed within their respective limits, and on the 13th March 1790, the number of guards on their establishment was increased to one hundred and thirty-nine, whose monthly pay is defrayed from the establishment of the custom-house at Mirzapore.

Establishment of *chokeedars* for the protection of the Dukkhin trade.

LXXXI.* First. *On the 25th November 1789, in consequence of representations made to him by the resident and the commissary of* bazars, *(which last mentioned officer holds the exclusive management of the stone* mohaul,*) the Governor General in Council ordered that the receipts from this* mohaul *be carried to the credit of the military fund, as heretofore, but that the commissary should not be allowed to demand a higher price for the stones, than that for which they were sold previous to the year* 1781.

Rules relative to the stone mohaul.

Second. *The stones required for the interior use of the country, such as pressing the sugarcane and various domestic purposes, were directed to be continued to be furnished at the same reasonable rates as those at which the country people formerly procured them.*

Third. *The Governor General in Council further directed, that the duties claimed by the commanding officer at Chunar on boats passing the fort, were to be considered to have been annulled on the late general abolition of all interior imposts; and that in future, no duties whatever were to be levied on boats and merchandise passing Chunar, either by the commanding officer or for the benefit of the military fund.*

LXXXII. First. *In consequence of disputes soon after ensuing between the farmer of the stone* mohaul *and the inhabitants of Mirzapore, (over which place the exclusive rights of the farmer did not appear to have been before established, although he had occasionally sold stones there to individuals, without however having been able to prevent other dealers from carrying on the same trade,) it appeared to the resident, under these circumstances, that it would prove an adequate consideration to the farmer, if he were thenceforth allowed the exclusive privilege of furnishing the stones wanted by the inhabitants of Mirzapore at the prices specified in the first and second columns of the following comparative statement, being those which had been usually paid for stones by the said inhabitants, for their buildings, and other domestic purposes; and orders were accordingly passed at Mirzapore on the 13th March* 1790.

Further rules for the stone mohaul *at Mirzapore.*

* Section 81, and clause 1, 2, 3, 5, and 6, of Section 82. are rescinded by Section 15, Regulation II. 1800.

 Comparative

Comparative View of the Price of different Stones, as collected from the Accounts of the Merchants of Mirzapore, and from those of Seda Sheo Misr, the Farmer of the Chunar Quarries.

	According to the accounts delivered in by the Beoparies.								According to the accounts delivered in by Seda Sheo.								DIFFERENCE.	
	Kaun Khereed, or quarry purchase.				Mundey Khereed, or mart purchase.				Kaun Khereed.				Mundey Khereed.				More, according to the farmer Seda Sheo.	Less, according to the farmer Seda Sheo.
		Rupees.	Annas.	Dumries.		Rupees.	Annas.	Dumries.		Rupees.	Annas.	Dumries.		Rupees.	Annas.	Dumries.		
Janta, or grinding-stones for grain, ...	12 pairs	1	0	0	8 pairs	1	0	0	12 pairs	1	0	0	8 pairs	1	0	0		
Chuckee, or smaller ditto, ...	100 ,,	5	0	0	100 ,,	7	0	0	100 ,,	5	0	0	100 ,,	7	0	0		
Chowkas, ...	1 piece	0	0	10	1 piece	0	0	12	1 piece	0	0	10	1 piece	0	0	12		
Hoorsa, or stone to bruise or powder sandel, ...	1 ,,	0	0	1½	1 ,,	0	0	2	1 ,,	0	0	1½	1 ,,	0	0	2		
Selee kallan, or larger grinding-stones, } These are not prepared or cut, but merely the rough stones, as hewn out of the quarry.	100 ,,	5	0	0	100 ,,	6	0	0	100 ,,	5	0	0	100 ,,	6	0	0		
Selee mujhouly, or middling ditto,	100 ,,	2	0	0	100 ,,	3	0	0	100 ,,	2	0	0	100 ,,	3	0	0		
Selee khord, or smaller ditto,	100 ,,	1	8	0	100 ,,	2	0	0	100 ,,	1	8	0	100 ,,	2	0	0		
Koloo, or sugarcane stones uncut, 5 hauts long, and 14 mushts broad, transporting the same to the river side, ...	1 piece	9	0	0	No price, being always bought from the Goorcahs or cutters.				Purchases at 9 Rupees, and sells at 13 ditto.				.. ..				4 0 0	
Do. do. 2d sort, 12 mushts broad, and 4½ hauts long, ...	1 ,,	7	0	0	Ditto,	Ditto,			Purchases at 7 ditto, and sells at 10 ditto.				.. ..				3 0 0	
Do. do. 3d do. 10 do. and 4 do.	1 ,,	5	0	0	Ditto,	Ditto,			Purchases at 5 ditto, and sells at 7 ditto				.. ..				2 0 0	
		Rs.	As.	Ps.		Rs.	As.	Ps.		Rs.	As.	Ps.		Rs.	As.	Ps.		
STONES FOR BUILDINGS.																		
Dassa stones, (large) 1 derreh breadth, and 3 derreh in length, and 7 tessoo thick,	5 pieces	1	0	0	1 piece	0	9	3	5 pieces	1	0	0	1 piece	0	13	0	0 3 9	
Chapeta, breadth 18 tessoo, length 3 derreh, 4 tessoo thick, ...	7 ,,	1	0	0	1 ,,	0	5	3	7 ,,	1	0	0	1 ,,	0	8	0	0 2 9	
Awbhoet, do. 1 derreh, do. 3 do. and thickness 3 tessoo, ...	4 ,,	1	0	0	1 ,,	0	7	0	4 ,,	1	0	0	1 ,,	0	12	0	0 5 0	
Boojowtee, do. 1 do. do. 4½ do. and do. 5 do.	4 ,,	1	0	0	1 ,,	0	10	0	4 ,,	1	0	0	1 ,,	0	14	0	0 4 0	
Dassa, (small) brought on buffaloes, 9 tessoo in breadth, length 2½ derreh, and 4 tessoo thick.	12 ,,	1	0	0	10 ,,	1	0	0	12 ,,	1	0	0	8 ,,	1	0	0	2 pieces.	
But if the merchant transports these by his own carriage from the quarries, he will then get twenty-four pieces of these small dassa per rupee.																		
Puttera, breadth 15 tessoo, length 2½ derrehs, thickness 3 tessoo; the same as small dassa (the foregoing article) in all respects.																		
Puttea, breadth 1 dust or cubit, and 1 musht, and in length 2 dusts, thickness 1½ tessoo,	100 pieces	3	0	0	100 pieces	5½ to 6 Rs			100 pieces	3	0	0	100 pieces	6½	0	0	1½ to 1 R.	
Nul budderrow, do. 15 tessoos, length 5 derreh, thickness 12 tessoos, ...	1 ,,	1	0	0	1 ,,	2	0	0	1 ,,	1	0	0	1 ,,	2½	0	0	0 8 0	
Khoonth, do. 15 do. length 5 do. do. 5 do.	2 ,,	1	0	0	1 ,,	1	0	0	2 ,,	1	0	0	1 ,,	2	0	0	1 0 0	
Khumha, do. 12 do. do. 3 do. do. 12 do.	2 ,,	1	0	0	1 ,,	0	9	3	2 ,,	1	0	0	1 ,,	0	13	0	0 3 9	
Dhooka, or irregular and inferior stones, ...	No price	100 cucha bullock loads. ..				3	0	0	No price	100 bullock loads, cucha			3 8 0	REMARK. The difference in these prices arises from the greater or smaller loads on the bullocks, and not from the stones.				
Ditto, (middling load of)	,,	100 ,, ...				3½	0	0	Do. ,,	Do. ,,			4 0 0					
Ditto, (pukhta, or full load of)	,,	100 ,, ...				4	0	0	Do. ,,	No mention,								
Ditto, ...		5 Cart loads.				1	0	0	Do. ,,	6 Cart loads,			1 0 0	1 cart load.				
Ditto, ...		6 ,, ...				1	0	0	Do. ,,	7 ,,			1 0 0	1 ditto ditto.				

The difference in these cart-load prices, depends also on the load, as smaller bullocks can bring but a smaller load, whilst larger and stronger bring more.

Second. *At the same time, the inhabitants of* Mirzapore *agreed to pay the farmer for the stones they might want, according to the prices in the first and second columns of the preceding statement, as being those which they acknowledged to have been current previous to the year* 1781.

Concurrence of the inhabitants at Mirapore, to purchase from the farmer of the stone mohaul *accordingly.*

Third. *But with regard to the irregular shaped, and inferior description of stones, called* dhooka, *which the* ryots *and the poor had been invariably permitted to bring from the hills on their heads, or on bullocks, or in carts, to be disposed of for their own benefit, it was declared that this petty traffic should continue as before altogether free, and independent of the farmer of the stone* mohaul; *and the inhabitants of the town of Mirzapore may accordingly purchase these* dhooka *stones from the dealers.*

The trade in dhooka *stones left free.*

Fourth. The hill people are not to be required to pay any duty for the stones of any kind, which they may want for their own use, and the farmer of the stone *mohaul* is not to interfere with them.

Hill people at liberty to procure stones for their own use as usual.

Fifth.* *To prevent any other person besides the farmer of this* mohaul, *from exporting stones from Mirzapore, it was made a rule, that stones exported should be accompanied by the pass of the farmer.*

Stones exported from Mirzapore to be accompanied by the farmer's pass.

Sixth. *Stones exported from Mirzapore, are still liable, (as prescribed by the order of the Governor General in Council, passed on the 14th of June 1793,) to a duty on passing the fort of Chunar, which is levied by the commissary for the benefit of the* bazar, *or military fund; whilst the custom-house, and all other duties or tolls on the exportation of this article, have been abolished, as referred to in clause third, Section* 81.

Duty leviable at Chunar on stones thus exported.

LXXXIII. On the 31st of March 1790, a reward of ten rupees was fixed for every tyger, bear, or other destructive and wild animal, that should be killed within the *zemindaree.*

Reward for killing tygers, &c.

LXXXIV. The magistrate of the city of Benares, having reported that the drains and watercourses had been usually cleansed and repaired by a *behree* or cess levied on the inhabitants, equivalent to the expence, the resident, on the 10th of July 1790, authorized the magistrate to make such collection for the purposes in question, as far and in such instances as the inhabitants should voluntarily agree to contribute their respective quotas.

Contribution payable by the inhabitants of the city of Benares, for cleansing and repairing the drains and watercourses within the city.

LXXXV. In consequence of complaints preferred by the weavers in the *sircar* of Ghazeepore, of the impositions practised on them by the *dullols* and *dustoories*, orders were issued on the 22d of March, and 22d of July 1790, notifying that the weavers throughout the four *sircars*, composing the *zemindaree* of Benares, were to be considered as having the option of carrying on their business, either through or without the interference of the above-named intermediate agents, and that they were at full liberty to bring their cloths into any *bazar* or market, and freely to dispose of them to the best advantage; and that no person was to presume, on any pretence, to fix any price on their goods; and that they were to sell their fabrics to whomsoever they might think proper, and for such price, as they and the purchaser might mutually and voluntarily settle.

Regulation to protect weavers against the impositions of the *dullols* and *dustoories*.

LXXXVI. On the 9th of August 1790, an establishment was entertained and placed under the control of the magistrate of Benares for keeping the city clean, the expence of which was defrayed from the *russoom* or commission authorized by Section 24. and 34, to be levied on lawsuits.

Scavenger's establishment in the city of Benares.

LXXXVII. The orders of the Governor General in Council under date the 2d of November 1792, prohibiting the practice of sitting *dhurna*, were issued as specified in Regulation XXI. 1795.

Prohibition of *dhurna*.

LXXXVIII. In pursuance of the order of Government of the 12th of November 1792, measures were taken to promote the salubrity, and improve the police of the city of Benares, by fixing on separate spots in the suburbs, for the shambles and liquor-shops, and by cutting an extensive watercourse, to drain the superfluous waters from the back part of the town into the Burna rivulet.

Regulations respecting the shambles, and liquor shops, in the city of Benares.

LXXXIX. The several rules detailed in the preceding sections, and especially those which relate to *zemindaree* claims and rights in Sections 15, 20, 22, 26, 32, 33, and 35, are to continue in force, with the exception of the whole or any part of such rule or rules, as have been or shall be either expressly repealed, or altered by, or may be inconsistent with, any

Rules in the preceding sections to operate, and to have force and effect under the new system of administration introduced into Be-

* Rescinded by Section 15, Regulation II. 1800.

nares, unless rescinded or altered by any printed regulation, passed on or after this date.

any provision or provisions in any regulation declared to extend to the province of Benares, passed on this date, and printed and published in the manner prescribed in Regulation XLI. 1793, or that may be hereafter passed, and so printed and published. But with respect to the prescriptions in Section 33, relative to boundary disputes, unless the separation and annexation shall be clearly proved to have taken place previous to the period referred to in clause seventh, Section 35, or a regular decree shall have been since passed by some competent court deciding the dispute, the courts, in future, are not to consider the mere lapse of time as a bar to their taking cognizance of such suits. As far as may be practicable, the courts are to procure all such disputes to be decided by arbitration, and in the event of any part of the lands included in the *pottahs* for the payment of the revenue assessed on the estates of either of the parties at the conclusion of the permanent settlement in 1197, being awarded to the other, either by arbitrators, or by the courts, a proportionate part of the fixed revenue shall also become payable by the party thus acquiring the additional land, and the amount of such proportion shall be determined agreeably to the rules prescribed in Regulation XXVII. 1795.

Exception with respect to the future decision of boundary disputes.

How the records of, and the causes pending in, the old courts, are to be transferred to the new.

XC. The records of the civil and criminal causes decided, and the papers and pleadings in those depending, in the courts of the city of Benares, and the towns of Ghazeepore, Juanpore, and Mirzapore, and in the *moolky dewanny* and *moolky foujdaree adawluts*, are to be made over by the native judges to the British judges of the newly established courts to which they may belong, or in which they may be cognizable, according to the local jurisdiction assigned to the courts by Section 4, Regulation VII. 1795; and the native judges are to obtain receipts in duplicate for such records from the British judges respectively, and are to retain one copy of the receipts in their own possession, and to lodge the other with the provincial court of appeal, established under Regulation IX. 1795.

How the judicial records in the native languages, in the resident's office, are to be disposed of.

XCI. With respect to the records in the native languages in the possession of the resident, in his capacities of judge of the court of appeal and revision for hearing appeals from the decisions of the native courts, and magistrate; the resident, or the senior of his assistants on the spot, is to deliver over the former, (with the exception of the records and papers in the causes specified in Section 93,) to the provincial court of appeal established by Regulation IX. 1795, and the latter, to the court of circuit instituted under Regulation XVI. 1795. The register to these courts, is to grant duplicate receipts for such records as shall be thus transferred, of which, one copy is to be transmitted to the register to the Sudder Dewanny Adawlut, and the other, to the register to the Nizamut Adawlut.

How the civil suits depending, and subjects of criminal prosecution are, after the transfer of the records thereof to the new courts, to be proceeded with.

XCII. Upon this transfer of the records, the causes depending, whether civil or criminal, are to be proceeded with by the new courts, according to the regulations passed on this date, or which may be hereafter passed, and printed and published in the manner prescribed in Regulation XLI. 1793. All proceedings held in the former courts, on each undetermined suit or prosecution, are to be preserved, and to make part of the record in such suits and prosecutions, and are to be allowed their full weight in the decision and judgment, as far as they shall appear to be consistent with the rules then in force for the administration of justice, as contained in the several sections of this regulation.

In what manner undecided causes depending in the court of appeal and revision, superintended by the resident, are to be disposed of; and when they are to be heard and decided.

XCIII. Causes depending and undecided in the court of appeal and revision superintended by the late resident, are to be transferred by him, or by his senior assistant on the spot, together with all the records and pleadings relative thereto, (for which duplicate receipts are to be given and disposed of as prescribed with regard to the papers alluded to in Section 91,) to the judges of the newly established courts of *adawlut* in which they may be cognizable, according to the local jurisdiction assigned to the several courts by Section 4, Regulation VII. 1795; and the judges shall revise these causes, on the same principles, as under the rules in this regulation, the resident would have heard them in appeal. If the revising judge shall think the proof or proceedings on either side defective, he is to call on the parties to supply the defects, and after making such further enquiry as he shall deem necessary, he is to confirm, alter, or reverse the decree of the native court, as may appear to him equitable. From any such decree of the revising judge, an appeal is to lie to the provincial court of appeal, under Regulation V. 1793, and Regulation IX. 1795, and eventually to the Sudder Dewanny Adawlut, (if the cause shall be cognizable by that court,) under Regulation VI. 1793, and Regulation X. 1795.

XCIV. The British judges are to proceed to the hearing of the appealed causes alluded to in Section 93, on days to be specially appointed for that purpose, of which due notice is to be given to the litigating parties, that they or their authorized *vakeels* may attend; and separate reports are to be made of the decisions passed by the judges on these appealed causes, in the form prescribed in Section 11. and 12, Regulation XVIII. 1793, extended to the province of Benares, by Regulation XVIII. 1795.

When the hearing of such undecided causes in appeal are to be proceeded with.

What reports are to be made in respect to them.

XCV. With respect to such of the abovementioned undecided causes in appeal, as may be of the nature of the suits described in Section 2, Regulation XVI. 1793. extended to the province of Benares by Regulation XV. 1795, the judges, without regard to their amount, are to recommend to the parties to submit the same to arbitration, either with or without reference to the record of the first trial in the native court, as the parties may agree on; and the said judges are respectively empowered, with the consent of the parties, thus to refer the decision of such undecided causes in appeal to one or more arbitrators, and to pass a decree conformably to the award, subject to all the rules relative to awards, contained in Regulation XVI. 1793.

What description of undecided causes in appeal from the native courts may be referred to arbitration.

XCVI. As the greater number of the undecided causes in appeal, under the operation of the rule contained in Section 93, will be transferred to the court of the city of Benares, the judge of this court is therefore empowered to authorize the register to try and decide, in like manner as he might himself, all or any of the appealed causes in question, where the amount or value of the thing contested shall not exceed the sum of one thousand sicca rupees. The decrees which may be passed by the register in such cases, are to be attested with his signature and the seal of the court, and an appeal is to lie from them to the provincial court of appeal, in the same manner as if they had been revised and decided by the judge.

What part of these depending causes in appeal, may be revised and decided on by the register of the city court of Benares.

A. D. 1796. REGULATION I*.

A REGULATION *for the Trial of the Hill People in the Districts of Rajmahl and Boglepore, for Crimes and Misdemeanors.*—PASSED *by the Governor General in Council, on the* 1*st April* 1796; *corresponding with the* 22*d Chyte* 1202 *Bengal era; the* 9*th Chyte* 1203 *Fussily; the* 22*d Chyte* 1203 *Willaity; the* 9*th Chyte* 1853 *Sumbut; and the* 21*st Ramzaun* 1210 *Higeree.*

Preamble.

THE *hills situated to the south and west of Rajmahl, and in other parts of the* zillah *of Boglepore, are inhabited by a distinct and an uncivilized race of people, differing entirely in manners, customs, and religion, from the inhabitants of the circumjacent country, and who as far as can be traced, never acknowledged the authority of the native Government. Being destitute of manufactures, and but little acquainted with agriculture, they subsisted principally by plunder; and their incursions into the low country, which were attended with every species of cruelty, had almost desolated the districts to which they were extended. These people were at length induced by the late Mr. Augustus Clevland, the collector of the* zillah, *to relinquish their predatory habits, and to submit to the authority of the British administration. Amongst the measures which he adopted with the sanction of Government, for establishing good order throughout the hills, certain pecuniary allowances were granted to the chiefs of the several hills, on condition of their preserving the peace of their respective jurisdictions; and with a view to conciliate the inhabitants, as well as in consideration of their uncivilized state, and entire ignorance of the language, laws, and customs of the Mahomedans and Hindoos, it was determined on the* 14*th June* 1782, *that the inhabitants of the hills should not be subject to the jurisdiction of the ordinary tribunals of the country, but that all crimes and misdemeanors committed by them, should be tried by an assembly of their chiefs, to be held at the town of Boglepore, or Rajmahl, or eleswhere in the district, under the superintendence of the magistrate, who was ordered in particular cases, to report the sentences passed by the assembly for the revision of the Governor General and Council. This mode of trial having been found to be highly satisfactory to the hill people, and having answered the purposes of justice, the Governor General in Council has resolved to continue it; but deeming it consistent with the principles of the regulations for the administration of justice, that the revisions of the sentences passed by the assembly of hill chiefs, should be transferred from the Governor General in Council, to the Nizamut Adawlut, under special rules; he has passed this regulation, which is to be considered in force from the date of its promulgation.*

Hill people not to be tried by the Mahomedan law, nor by the regulations.

II. The hill people in the districts of Rajmahl and Boglepore, shall not be tried for crimes or misdemeanors, by the Mahomedan law, nor by the rules and regulations at present in force, or which may be hereafter enacted, for the trial of other individuals subject to the jurisdiction of the ordinary criminal tribunals of the country.

Hill people charged with crimes to be brought before the magistrate, who after

III. All hill people who may be accused of crimes or misdemeanors, shall, on their apprehension, be brought before the magistrate of Boglepore, who shall cause the com-

* Rescinded by Section 2, Regulation I. 1827.

 plaint,

due examination shall discharge the prisoner, should there be no grounds of suspicion against him.

plaint, if not preferred to him in writing, to be committed to writing, and attested by the complainant with his signature or mark; and if it shall appear to him on examination of the complainant, or any person, or persons, said to be acquainted with the circumstances of the case, on oath, to be administered and taken according to their religious persuasion, or customs, that the crime, or misdemeanor of which the prisoner may be accused, was never committed, or that there is no ground to suspect him of having been concerned in the commission of it, the magistrate shall cause the prisoner to be forthwith discharged, recording his reasons for so doing.

Should there be ground for suspicion, the magistrate to commit the prisoner, or hold him to bail, to take his trial before an assembly of hill chiefs to be convened for the purpose.

Magistrate to take the necessary measures for securing the attendance of the prosecutor and witnesses.

IV. First. *If it shall appear to the magistrate that the crime or misdemeanor was actually committed, and that there are grounds for suspecting the prisoner of having been concerned in the commission of it, the magistrate shall cause him to be committed to prison, or held to bail, as may appear to him proper, to take his trial before an assembly of hill chiefs*, naibs, *and* manjeys, *to be convened for that purpose by the magistrate, who is required to adopt such measures as may appear to him necessary to ensure the attendance of the prosecutor, and the witnesses on the part of the prosecution, and the prisoner, when the trial shall come on.*

Rule for ascertaining the necessary particulars respecting prisoner's witnesses.

Second. *In all cases of a prisoner being committed or held to bail for trial before a hill assembly, the magistrate, immediately after passing the order of commitment, shall question the prisoner as to whether he wishes to have any witness or witnesses examined in his defence before the assembly, and in the event of the prisoner answering in the affirmative, shall cause a list of the witnesses named by him, specifying their designations and places of abode, to be taken down and recorded on his proceedings; or, in the event of the prisoner's replying in the negative, shall cause such answer to be recorded on his proceedings for the information of the assembly, and eventually of the Nizamut Adawlut.*

Magistrate to cause the attendance of witnesses at the desire of the prisoner, although they may not have been named at the time of commitment.

Third. *An observance of the foregoing rule, will leave all prisoners committed or held to bail for trial before the assembly, without any just ground of complaint that they have not been allowed to bring witnesses in support of their innocence; but as it may happen from want of recollection or other cause, that a prisoner, at the time of his commitment, may omit to name a witness whose evidence he may afterwards be desirous to adduce upon his trial, the magistrate shall observe it as a rule, in the event of any prisoner who may be committed or held to bail to take his trial before the assembly, desiring, previous to the commencement of the sitting of the assembly, the examination of any witness or witnesses, upon his trial, although the same may not have been named by him at the time of his being committed, or held to bail, he is to be careful to cause the attendance of such witness or witnesses, as well as of those before named, at the time fixed for the trial of the party who may desire their examination.*

Magistrate to furnish the assembly with lists of the witnesses, and a report in cases of non-attendance.

Also with the nazir's returns.

Nazir or other officer to be kept in attendance on the assembly.

Fourth. *The magistrate is to furnish the assembly, together with his proceedings on each trial preferred to them, with lists of the witnesses who may have been summoned at the requisition of the prosecutor or the prisoner, specifying those who are in attendance, and such as are absent, with the cause of the non-attendance of the latter. To furnish the assembly with the fullest, and most accurate information on the non-attendance of any absent witness, the above lists shall be accompanied with the original returns made to the magistrate by the* nazir, *and person deputed on his part, to serve the summons on any witness, who may not be in attendance; and the* nazir *and the person so deputed on his part, shall be kept in attendance on the assembly, to answer any interrogatories which the members thereof may judge it necessary to put to them. By this means, the assembly will be enabled to ascertain the real causes of the non-attendance of the witnesses, by their own inquiry; and it is expected they will in every instance make such inquiry as far as may be necessary to satisfy themselves, and the court of Nizamut Adawlut, in cases referrible to that court as hereafter directed, that all due measures have been taken to cause the attendance of all the witnesses, both on the part of the prosecutor and the prisoner.*

Magistrate to hear and decide on petty complaints, if he can satisfy the parties.

Otherwise to commit, if the accused appear deserving of punishment.

V. The magistrate is empowered to hear all petty complaints that may be brought before him, and to decide thereon whenever he can adjust them to the satisfaction of both parties; but in cases in which this cannot be effected, and the party accused shall appear to him deserving of punishment, he is invariably to commit, or hold to bail the prisoner, to take his trial before the ensuing assembly.

 VI.

VI. Whenever the complaints specified in the preceding section, shall appear to the magistrate to be litigious, vexatious, or groundless, he is authorized to punish the complainant by confinement for fifteen days, or by corporal punishment, not exceeding fifteen strokes of a ratan.

If the complaint appear litigious, complainant to be punished.

VII. An assembly of hill chiefs, naibs, *and* manjeys, *shall be convened by the magistrate twice in every year, or as often as may be necessary, for the trial of hill people charged with crimes or misdemeanors, under the rules and customs prevalent among them.*

Assembly of hill chiefs to be held twice a year, or as often as necessary.

VIII. The magistrate is enjoined to cause to be administered to the chiefs, naibs, *and* manjeys, *who are entitled to sit in judgment, and to pass sentence on the prisoners brought before them, previously to their entering upon the duties for which they are convened, the oath which may be considered by them most solemn and binding. It not having been customary, however, to administer an oath to the inferior* manjeys, *who have only a deliberative voice, they are not to be sworn.*

Oath to be administered to the chiefs.

Inferior manjeys *not to be sworn.*

IX. The magistrate is empowered to cause the assembly to be held in any part of the zillah *of Boglepore which he may consider most convenient, and to adjourn the assembly as soon as the business for which it may have been convened shall be completed.*

Assembly to be held in any part of the district of Boglepore, and to be adjourned when the business shall be completed.

X. The assemblies are to be held in the presence of the magistrate, who is authorized to suggest such questions to be put by the court to the witnesses, or to the prisoner, as he may think necessary, as well for the purpose of bringing all the circumstances of the case before the court, as for enabling the Nizamut Adawlut to decide finally on such cases as may be ultimately submitted to them. He shall also cause the assembly to observe in their proceedings as much regularity as circumstances will admit; and he is authorized to allow such examinations as may have been taken before him, in the first instance, and shall have been fully and freely admitted by prisoners on their trial, to form a part of the proceedings. But he shall not exercise any interference whatever, nor suffer his officers or any person, not being a member of the court, to interfere in any respect, with the deliberations or sentences of the court.

Assembly to be held in the presence of the magistrate, who is authorized to suggest questions.

Magistrate to cause regularity to be observed in the proceedings. Examinations before him, if admitted by prisoner, to form a part of the proceedings.

Magistrate and his officers not to interfere in the deliberations.

XI. If sentence of confinement shall be passed on a prisoner for a term not exceeding fourteen years, the magistrate, provided he shall approve of the sentence, is authorized to confirm it, without any reference to the Nizamut Adawlut. The magistrate shall carry such sentences into immediate execution, if he shall approve of them; or he shall mitigate the punishment adjudged by them, if it shall appear to him too severe. But in every instance in which this discretion shall be exercised by him, he is required to report the circumstance to the Nizamut Adawlut, and to state his reasons to that court of any alteration he may make in the sentence of the assembly.

Magistrate authorized to confirm sentences for confinement not exceeding fourteen years.

To carry the sentences into execution, if approved; to mitigate the punishment, if too severe; in the latter case to report the circumstances to the Nizamut Adawlut.

XII. Should the sentence adjudge the offender or offenders to suffer death, or mutilation, or imprisonment for a term exceeding fourteen years, the magistrate is to transmit the original proceedings held on the trial, with a translate thereof, to the Nizamut Adawlut, with his opinion on each case.

Magistrate to transmit proceedings to the Nizamut Adawlut, if the sentence adjudge capital punishment, mutilation, or imprisonment exceeding fourteen years.

XIII. First. *The court of Nizamut Adawlut shall revise the proceedings on the trials, transmitted to them under the preceding section, and shall confirm or alter the sentences, or pass such sentence as they may judge equitable under the rules and restrictions contained in the following clauses.*

Nizamut Adawlut to revise the proceedings, and to confirm or alter the sentence.

Second. *It shall not be competent to the Nizamut Adawlut to pass sentence of capital punishment on any prisoner who may not have been adjudged to suffer death by the assembly.*

Restriction with regard to adjudging capital punishment.

Third. *All sentences of mutilation, provided the court shall be satisfied of the prisoner's guilt, shall be commuted to imprisonment for fourteen years, if the prisoner shall have been sentenced to lose two limbs; and for seven years, if he shall have been sentenced to lose one limb. If the court, on a consideration of the case, shall not consider the prisoner deserving of so long a period of imprisonment as is above prescribed, they shall restrict it to such shorter period as they may think proper.*

Sentences of mutilation to be commuted to confinement for fourteen or seven years.

Court authorized to shorten the term.

Fourth. *A custom having obtained amongst the hill people, in certain cases of murder, of leaving the option to the next of kin to the deceased, either to pardon the murderer, or to demand*

The will of the heir not to have operation, in barring capital punishment.

demand retaliation, or a pecuniary compensation, the operation of this custom shall not be admitted. But in all cases in which a prisoner shall be pronounced by the assembly guilty of murder, and the cases shall be such, that the prisoner would be liable to suffer death, supposing the option abovementioned were to be continued, and the heir or heirs should demand retaliation, the prisoner shall be sentenced to undergo capital punishment, and shall suffer death accordingly.

Should the prisoner be deemed a proper object for mercy, the court to recommend a pardon to the Governor General in Council.

Fifth*. *In all cases in which a prisoner shall be sentenced to suffer death by the assembly of hill chiefs, and the Nizamut Adawlut shall deem him a proper object for mercy, the court shall submit the case to the Governor General in Council, and recommend a pardon, or such commutation of the sentence, as may appear to them proper on a consideration of the circumstances of the case.*

Magistrate, within ten days, to transmit to the Nizamut Adawlut a record of the trials referrible to the court, with a translation.

XIV. The magistrate, within ten days after the adjournment of every hill court, or as much earlier as circumstances may admit, shall transmit to the Nizamut Adawlut a Persian record, (to be obtained through the medium of the bundwaries *or interpreters,) and an English translate of all trials that are referrible to them, with a separate letter containing his remarks on each particular case.*

Register to the Nizamut Adawlut, within six days after sentence shall be passed, to transmit a copy to the magistrate, who shall execute it.

XV. The register to the Nizamut Adawlut, within six days after every final sentence shall be passed, shall transmit a copy of it, under the seal of that court, and attested with his official signature, to the magistrate of Boglepore, who shall cause the same to be executed without delay, reporting to the Nizamut Adawlut the manner in which the sentence has been enforced.

Magistrate to include the hill prisoners in the reports required by Regulation IX. 1793.

XVI. The magistrate shall include the names of the hill prisoners in the 1*st,* 3*d,* 4*th,* 5*th, and* 6*th reports, which he is required to keep, and transmit monthly to the Nizamut Adawlut, by Section* 30*, Regulation IX.* 1793*, according to their respective descriptions, and to consider them when apprehended, and after sentence, in every other respect in the same situation as the rest of the prisoners under his charge.*

Where no specific rules exist, magistrate to act according to equity and good conscience.

XVII. In cases coming under the cognizance of the magistrate of Boglepore, in any respect connected with the trial of hill prisoners, for which no specific rule is prescribed in these regulations, he is to act according to justice, equity, and good conscience, bearing in mind, that he is to show every indulgence and attention to the prejudices and customs of the hill people, consistently with the principles of justice.

* Rescinded by Section 2, Regulation XIV. 1810.

A. D. 1797. REGULATION VII.

A REGULATION *for abolishing the Office of Commissioner at Backergunge, and establishing another Court of Dewanny Adawlut, in the Districts at present comprised in the Zillah of Dacca Jelalpore; and for reserving to the Governor General in Council the Power of increasing the Rates of the Duty on Stills specified in Section* 6, *Regulation* XXXIV. 1793, *in the Provinces of Bengal, Behar, Orissa, and Benares.*—PASSED *by the Vice-President in Council, on the* 17*th April* 1797; *corresponding with the* 7*th Bysaak* 1204 *Bengal era; the* 6*th Bysaak* 1204 *Fusilly; the* 7*th Bysaak* 1204 *Willaity; the* 6*th Bysaak* 1854 *Sumbut; and the* 19*th Showaul* 1211 *Higeree.*

Preamble.

TO accelerate the decision of civil suits in the districts now comprised in the *zillah* of Dacca Jelalpore, which from the great extent of the *zillah*, have been found too numerous for one court to determine with sufficient expedition, and to provide for the more effectual administration of justice in the Sunderbunds, and the districts adjacent, heretofore included in the jurisdiction of the commissioner at Backergunge, who was invested with the powers of magistrate, but was not authorized to exercise any civil jurisdiction; and for the better regulating the duty on stills for the manufacture of spirituous liquors in the four provinces, in instances in which the rates specified in Section 6, Regulation XXXIV. 1793, may be found disproportioned or otherwise objectionable; the following rules have been enacted.

Backergunge commission abolished, and an additional court established in the districts at present comprised in Dacca Jelalpore.

II. The office of commissioner at Backergunge is hereby abolished, and the districts at present comprised in the *zillah* of Dacca Jelalpore, including the Sunderbunds, shall be formed into two *zillahs*, the northern division to be denominated the *zillah* of Dacca Jelalpore, and the southern division, the *zillah* of Backergunge. The boundaries of the two *zillahs* shall be determined by the Governor General in Council. A *dewanny adawlut* superintended by one judge shall be established in each *zillah*, with the same powers as the other courts of *dewanny adawlut*. The judge of each court shall likewise be vested with the office of magistrate, with the same powers as the magistrates of other *zillahs*. The court so established for the northern division, shall be denominated "The court of *dewanny adawlut* for the *zillah* of Dacca Jelalpore;" and the court for the southern division, "The court of *dewanny adawlut* for the division of Backergunge." The half-yearly jail deliveries for the *zillah* of Backergunge, shall be held at Backergunge by the court of circuit for the division of Dacca, in the same manner as they have been heretofore held under the regulations, whilst the powers of magistrate were exercised by the commissioner at Backergunge.

Half-yearly jail deliveries how to be held for Backergunge.

Station of the Dacca Jelalpore court to be removed, and rule respecting the half-yearly jail deliveries.

III. The Governor General in Council will at his discretion remove the station of the court of Dacca Jelalpore from the city of Dacca to some more centrical situation, to be hereafter determined, and the court of circuit for the division of Dacca shall hold the half-yearly jail deliveries at such station, when the court shall be removed thereto, during the half-yearly circuit; and the rule contained in Section 4, Regulation III. 1797, requiring them to proceed to the station of Dacca Jelalpore immediately after their return to their *sudder* station, is hereby delared to be rescinded, as soon as such removal shall have taken place.

Governor General in Council will increase or modify the duty on stills, specified in Section 6, of Regulation XXXIV. 1793.

IV. The Governor General in Council reserves to himself the power of increasing or modifying the rates of the duty on stills, specified in Section 6, of Regulation XXXIV. 1793, in the four provinces of Bengal, Behar, Orissa, and Benares; and the Board of Revenue, whenever an increase or modification of those rates may appear to them advisable, are to submit their propositions for the necessary alteration to the Governor General in Council, who will determine thereon. But in all cases in which an increase in the established rates may be sanctioned, the collectors shall transmit an attested statement of the new rates to the judge of the* zillah *or city court within the jurisdiction of which they may be leviable; and until such statement shall be furnished, the levying of the new rates is to be held unauthorized. The judge is to fix up a copy of the statement in his* cutcherree *for general information. The foregoing rule shall not be considered as restricting the Board of Revenue in the exercise of the powers vested in them by clause second of the section above mentioned.*

Clause second of that section not altered thereby.

* This section is rescinded by Section 2, Regulation X. 1813.

A. D. 1804. REGULATION IV.

A REGULATION *for the Administration of Justice in Criminal Cases in the Zillah of Cuttack.*—PASSED *by the Governor General in Council, on the* 3d *May* 1804; *corresponding with the* 22d *Bysaak* 1211 *Bengal era; the* 9th *Bysaak* 1211 *Fussily; the* 22d *Bysaak* 1211 *Willaity; the* 8th *Bysaak* 1861 *Sumbut; and the* 22d *Mohurrum* 1219 *Higeree.*

Preamble.

WHEREAS the province of Cuttack, including Balasore, and the other dependencies of the said province, hath been ceded to the Honorable the English East India Company in full sovereignty by Maharaja Raghoojee Bhoonsla; and whereas it is necessary for the security of the persons of the inhabitants, to provide for the administration of justice in criminal cases in the said province; and whereas it hath been the ancient usage of the said province to administer justice in such cases according to the Mahomedan law; and whereas it hath been deemed advisable to continue the said law, with such modifications of it, as have been adopted for the administration of justice in criminal cases in the provinces of Bengal and Behar, and in the part of the province of Orissa heretofore subject to the dominion of the British Government; the Governor General in Council hath been pleased to enact the following rules, which shall be in force from the date of their promulgation.

Province of Cuttack, with its dependencies, to be included in the Calcutta division, and denominated the *zillah* of Cuttack.

The *zillah* to be formed into two divisions, and two general jail deliveries to be held there annually by a judge of the Calcutta court of circuit.

II. The province of Cuttack, with its dependencies, shall be included in the division of the court of circuit for the division of Calcutta, and shall be denominated the *zillah* of Cuttack. The *zillah* shall be formed into two divisions, to be denominated the northern and the southern division of the *zillah* of Cuttack. Two general jail deliveries for the said *zillah* shall be holden annually by one of the judges of the said court of circuit at such period, and at such place or places, as the court of Nizamut Adawlut shall prescribe.

Court of circuit to be guided in its decisions and proceedings by the regulations enacted agreeably to Regulation XLI. 1793, for the administration of justice in criminal cases.

III. The court of circuit shall be guided in its decisions and proceedings by the regulations which have been enacted, agreeably to the rules prescribed in Regulation XLI. 1793, for the administration of justice in criminal cases in the provinces of Bengal and Behar, and in the part of the province of Orissa heretofore subject to the dominion of the British Government.

A magistrate to be appointed to each division of the *zillah* of Cuttack, with the same powers as are vested in the magistrates in the other provinces.

IV. A magistrate shall be appointed in each of the divisions of the *zillah* of Cuttack, who shall exercise the powers vested in the magistrates of the *zillahs* in the provinces of Bengal and Behar, and the part of the province of Orissa heretofore subject to the dominion of the British Government, under the regulations passed agreeably to the rules prescribed in Regulation XLI. 1793.

Regulations enacted in future for the administration of criminal justice

V. The regulations, which shall be hereafter enacted in the manner prescribed in Regulation XLI. 1793, for the administration of justice in criminal cases, and for the guidance of the magistrates in the provinces of Bengal and Behar, and in the part of the province of Orissa heretofore subject to the dominion of the British Government, shall be considered to extend to the *zillah* of Cuttack, unless it shall be otherwise specially directed in any regulation so enacted.

within Bengal, Behar, and Orrissa, shall be considered to extend to Cuttack, unless specially excepted.

Magistrates to have charge of the police under the superintendence of the commissioners, who are also to exercise the powers of magistrates.

Magistrates, with the sanction of the commissioners, to station *darogahs*, and all existing or future regulations regarding the police within Bengal, Behar, and Orissa, considered to extend to Cuttack, unless especially excepted.

This regulation not to exonerate the *zemindars* &c. in Cuttack from the duties and responsibility imposed on them by the terms of their tenures and usages of the country.

Magistrates and court of circuit not to take cognizance of crimes committed previously to 14th October 1803.

What sentences may be passed on persons convicted of crimes committed between that period and the date of this regulation.

Court of circuit empowered to order such sentences to be carried into execution in certain cases.

Court of circuit to report to the Nizamut Adawlut in cases where such sentences extend to life or limb, or to imprisonment for a term exceeding seven years.

VI. The magistrates shall have the charge of the police of the country under the superintendence of the commissioners appointed to superintend the administration of the affairs of the *zillah* who are likewise hereby authorized, jointly and severally, to exercise the powers of magistrates throughout the limits of the *zillah*. The magistrates, with the sanction of the commissioners, shall station *darogahs* of police in those parts of the country, in which the aid of such officers shall be necessary for the maintenance of the peace of the country; and all the regulations now in force, or which shall be hereafter enacted, regarding the police in the provinces of Bengal and Behar, and in that part of the province of Orissa heretofore under the dominion of the British Government, shall be considered to extend to the province of Cuttack, unless it shall be otherwise specially directed by any regulation printed and published in the manner prescribed by Regulation XLI. 1793. Provided however, that this regulation shall not be construed to exonerate the *zemindars*, farmers or other holders of lands in the *zillah* of Cuttack from the duties and responsibility imposed on them by the terms of their respective tenures or engagements, and the usages of the country, for the prevention of robberies and other disorders, and for the maintenance of peace and good order within their respective limits. Such *zemindars*, farmers, and other holders of lands, shall continue to perform such duties, subject to the same responsibility as heretofore, notwithstanding any thing that may be said to the contrary in any regulation enacted previously to the date of this regulation.

VII. This regulation shall not be construed to empower the magistrates, or the court of circuit, to take cognizance of any crimes or offences committed previously to the 14th of October 1803, the date on which the fort and town of Cuttack surrendered to the British arms; nor to empower the court of circuit, or the Nizamut Adawlut, to pass any sentence on persons convicted of crimes or offences committed between the aforesaid date, and the date of the promulgation of this regulation, excepting the sentence to which such persons would have been subject under the Mahomedan law, as it prevailed within the limits of the said *zillah*, during the aforesaid period; provided, however, that in cases in which the said sentence shall not extend to life or limb, or to imprisonment for a term not exceeding seven years, the court of circuit, in the event of the charge being proved to its satisfaction, shall be at liberty to direct the said sentence to be carried into execution, or to mitigate the punishment to such extent as it shall deem proper on a consideration of the circumstances of the case; and provided also, that in cases in which the said sentence shall extend to life or limb, or to imprisonment for a term exceeding seven years, the proceedings of the court of circuit in such cases, with the opinion of the court on their merits, shall be transmitted to the Nizamut Adawlut, which court, if the charge shall have been proved against the prisoner to its satisfaction, shall, in cases in which the sentence shall adjudge the prisoner to suffer the punishment of mutilation, commute such punishment for imprisonment, or for imprisonment and hard labour for a term of years; and in cases in which the sentence shall adjudge the prisoner to suffer the punishment of death, or of imprisonment for a term exceeding seven years, the court shall direct such punishment to be carried into execution, or commute or mitigate the same, or recommend the prisoner to the Governor General in Council for mercy, according as shall appear to the court to be proper on a consideration of the circumstances of the case.

A. D. 1804. REGULATION VIII.

A REGULATION *for transferring the Zillahs of Allahabad and Goruckpore from the Division of the provincial Court of Appeal and the Court of Circuit for the Division of the Provinces ceded to the Honorable the English East India Company by the Nawaub Vizier; and for annexing those Zillahs to the Division of the provincial Court of Appeal and the Court of Circuit for the Division of Benares.*— PASSED *by the Governor General in Council, on the 27th of November* 1804; *corresponding with the 14th Aughun* 1211 *Bengal era; the 10th Aughun* 1212 *Fussily; the 14th Aughun* 1212 *Willaity; the 11th Aughun* 1861 *Sumbut; and the 23d Shabon* 1219 *Higeree.*

Preamble.

WHEREAS the distance between the stations of the magistrates of the *zillahs* of Allahabad and Goruckpore, and the station of the court of circuit for the division of the provinces ceded to the Honorable the English East India Company by the Nawaub Vizier, has occasioned considerable delay and inconvenience in holding the general jail deliveries for the several *zillahs* included in the said division; And whereas the administration of justice within the said *zillahs*, both in civil and criminal cases, will be greatly expedited and facilitated by the transfer of those *zillahs* to the division of Benares; the following rules are enacted, to be in force from the date of their promulgation.

The *zillahs* of Allahabad and Goruckpore, transferred from the jurisdiction of the ceded provinces, and annexed to the jurisdiction of the division of Benares.

II. The *zillahs* of Allahabad and Goruckpore shall be transferred from the jurisdiction of the provincial court of appeal and the court of circuit for the division of the provinces ceded to the Honorable the English East India Company by the Nawaub Vizier, and shall be annexed to the jurisdiction of the provincial court of appeal and the court of circuit for the division of Benares.

The courts of justice, the Boards of Revenue and Trade, and all other officers, to be guided, in all matters relating to the *zillahs* aforesaid, by the regulations which have been or shall be enacted for the internal government of the ceded provinces.

III. The courts of Sudder Dewanny Adawlut and Nizamut Adawlut, the provincial court of appeal and the court of circuit for the division of Benares, the judges and magistrates, and the collectors of the revenue, in the *zillahs* of Allahabad and Goruckpore, the commercial residents, and all other officers in those *zillahs*, and the Boards of Revenue and Trade, shall be guided in their decisions and proceedings, and in all matters, relating to the said *zillahs*, by the regulations which have been, or shall be, enacted, in conformity to the rules prescribed in Regulation I. 1803, for the internal government of the provinces ceded by the Nawaub Vizier to the Honorable the English East India Company.

A. D. 1805. REGULATION XIII.

A REGULATION *for the Maintenance of the Peace, and for the Support and Administration of the Police in the Zillah of Cuttack, and for amending certain Provisions contained in Regulation IV.* 1804.—PASSED *by the Vice-President in Council, on the* 5*th of September* 1805; *corresponding with the* 22*d Bhadoon* 1212 *Bengal era; the* 26*th Bhadoon* 1212 *Fussily; the* 22*d Bhadoon* 1212 *Willaity; the* 12*th Bhadoon* 1862 *Sumbut; and the* 10*th Jumadee-us-Sanee* 1220 *Higeree.*

Preamble.

WHEREAS it is essential to the security of the persons and property of the inhabitants of the districts and lands included in the province of Cuttack and its dependencies, that a regular and efficient system of police should be maintained in the said province: and whereas it was the practice in the said province, when under the Mahratta Government, to vest the immediate maintenance of the peace in certain *sirdar pykes*, also called *kandytes*, aided by inferior *pykes*, under the orders and control of the said *sirdars*, for whose support lands were assigned under the orders and authority of the said Government; and whereas the general control of the said *sirdars*, and other *pykes*, was vested at the time of conquest of the province of Cuttack by the British arms in the *zemindars*, *talookdars*, farmers, and other holders of land, within the limits of their respective estates and farms, excepting in cases in which they had been specifically deprived of the charge of the police by the said Government, either for misconduct, or for inability to perform the duty entrusted to them, or for other substantial reasons: and whereas in such cases it was usual to vest the general charge of the police, within certain established limits in the said *sirdar pykes* or *kandytes* above mentioned: and whereas experience has demonstrated that the system of police at present established in the province of Cuttack is well calculated for the prevention of crimes, and for the maintenance of the general tranquillity of the country; the following rules have been enacted, to be immediately in force in the province of Cuttack, including the *pergunnahs* of Puttespore, Kummardichour, and Bograe.

The districts and lands comprized in the province of Cuttack, with certain exceptions, shall be formed into one *zillah*, to be denominated the *zillah* of Cuttack.

II. The districts and lands comprized in the province of Cuttack, with the exception of the *pergunnah* of Puttespore, Kummardichour, and Bograe, shall be formed into one *zillah*, instead of two *zillahs*, as prescribed in Regulation IV. 1804; and shall be denominated the *zillah* of Cuttack.

Certain *pergunnahs* shall be included in the *zillah* of Midnapore, but subject to the regulations enacted for Cuttack.

Governor General in Council may alter the boundaries as may appear expedient.

III. The abovementioned *pergunnahs* of Puttespore, Kummardichour, and Bograe, shall be included, as at present, in the *zillah* of Midnapore; subject however to all the laws and regulations which have been or may be enacted for the internal government of the *zillah* of Cuttack; provided nevertheless, that it shall at any time be lawful for the Governor General in Council, by an order in council, to make any alteration with respect to the boundaries of the said *zillahs* of Midnapore and Cuttack, which may appear to be expedient.

Rules for the appointment of *darogahs* for the maintenance of the police.

IV. *First.* The following rules shall be observed in the appointment of *darogahs* for the maintenance of the police in the *zillah* of Cuttack, and in the abovementioned *pergunnahs* of Puttespore, Kummardichour, and Bograe.

Second.

Such of the zemindars as have not been formally divested of the charge, shall continue to act as police officers in their respective estates, under the responsibility stated in Section 6, Regulation IV. 1804.

Proprietors of large estates shall be constituted darogahs.

Proprietors of petty estates to be subordinate officers under darogahs to be selected and appointed.

Second. In cases in which the *zemindars, talookdars*, and other landholders have not been formerly divested of the charge of the police within the limits of their respective estates, for misconduct or any other reason, either by the late Mahratta government, or by the Board of Commissioners for the settlement of the affairs of Cuttack; such *zemindars, talookdars*, and other landholders, shall continue, under the responsibility stated in Section 6, Regulation IV. 1804, in charge of the police, according to established usage, within their respective estates; that is, the principal *zemindars, talookdars*, and other landholders, being proprietors of large estates, shall be constituted *darogahs* of police, within the limits of their respective possessions; and the inferior *zemindars, talookdars*, and other landholders, being proprietors of petty estates, shall be considered to be subordinate officers of police, subject to the abovementioned responsibility, under the immediate authority of *darogahs*, who shall be selected and appointed for the maintenance of the police in estates or *mohauls* of the latter description.

In cases in which any zemindars, &c. have been divested of the police, kandytes shall be nominated to the charge under the control of darogahs.

Third. In cases in which any of the *zemindars, talookdars*, and other landholders, have been divested of the charge of the police (as above noticed) within the limits of their respective estates, one, two, or more *kandytes*, or *sirdar pykes*, according to the extent of such estates, shall in conformity to established usage, be vested with the immediate maintenance of the peace, the apprehension of public offenders, and other duties of that description, within the limits of the said estates; subject nevertheless to the control of *darogahs*, who shall be appointed for the superintendence of the police and the general control of the conduct of the said *kandytes*, and all inferior officers of police, within the limits of the authority of the said *darogahs* respectively.

Darogahs to receive such salaries as Government may fix.

Fourth. The *darogahs* who may be appointed under clauses second and third of this section, shall receive such salaries as the Governor General in Council may think proper to fix for their support, on a consideration of the labour and responsibility of the offices held by them.

Lands assigned by the late Government for the maintenance of the sirdar and other pykes shall be continued to them.

Such officers subject to the authority of the darogahs.

Cases in which they may be dispossessed of their lands, and how the magistrate is to proceed in such cases, or in cases of vacancy of such offices.

V. Certain lands having been assigned by the authority of the late Government, for the maintenance of the said *sirdar pykes*, and inferior *pykes* under the control of such *sirdars*, for the support of the general police of the country; those lands shall be continued to the said *sirdar* and other *pykes* for the purposes, to which they have been hitherto appropriated. It is to be understood however, that all officers of that description shall be considered subject to the authority of the *darogahs* of police, whether *zemindars* or others, within their respective limits, and shall be bound to conform to all legal orders, which may be issued to them by such *darogahs*, conformably to the powers with which the *darogahs* may be invested. It is further to be understood, that any *sirdar* or other *pyke* will be liable to be dispossessed of his lands for any disobedience of orders, neglect of duty, undue violence, or other misconduct; provided however, that whenever a magistrate shall be of opinion that any *kandyte* or *sirdar pyke* ought to be dismissed from his office, or whenever the place of such officer shall become vacant from death, or any other cause, the magistrate shall report the circumstances of the case to the Nizamut Adawlut, who will pass such orders on the subject, as shall appear to them to be proper under the general powers vested in them by Regulation V. 1804; provided likewise, that whenever any vacancy shall occur among the inferior *pykes*, either from dismissal, death, or otherwise, the places of such *pykes* shall be supplied by the *sirdar pyke*, on declaring himself to the magistrate responsible for the conduct of the person recommended by him.

Darogahs to form a complete register of the sirdar and other pykes.

VI. It shall be the duty of the *darogahs* of police, whether *zemindars* or others, under the guidance and instructions of the magistrates, to form a complete register of the *sirdar* and other *pykes*, within the limits of the authority of the said *darogahs* respectively.

The darogahs shall fix, under the orders of the magistrates, the limits of the local authority of the kandytes and other inferior officers of police.

VII. It shall further be the duty of the *darogahs* of police to ascertain and fix, under the orders of the magistrates, the limits of the local authority of the *kandytes* or *sirdar pykes*, and of the inferior officers of police, attached to the said *sirdars*; so that every part of the province of Cuttack, whether consisting of lands paying revenue to Government, or of lands exempt from the payment of revenue, may receive the protection of the subordinate officers of police, under the directions of the *darogahs*, and the general control of the magistrates.

VIII. Nothing contained in this regulation shall be construed to exempt the *zemindars*, *talookdars*, farmers, and other holders of land, although they be not formally constituted officers of police, from the duty of affording every assistance in the prevention of breaches of the peace, and in the apprehension of public offenders; who are immediately to be delivered into the custody of the nearest officers of police.

This regulation not to exempt the *zemindars*, &c. from affording every assistance in their power for the prevention of breaches of the peace, &c.

IX. Any *zemindar*, *talookdar*, or holder of land, exempt from revenue, who may be suspected of conniving at any robbery, or other public offence, will be liable to be prosecuted before the criminal courts of the country, and punished on conviction, under the general laws and regulations of the country.

Zemindars, &c. suspected of conniving at robbery or other offences, liable to prosecution before the criminal courts.

X. It shall be the duty of the collectors of Cuttack and Midnapore, to form a complete register of the lands assigned for the support of the *sirdar* and other *pykes*, specifying the quit rent payable to the *zemindars*, *talookdars*, and other landholders, (if according to established usage, the lands have been hitherto subject to the payment of such quit rent,) and to transmit a copy of the register required to the Board of Revenue, to be deposited among the records of that Board.

Collectors of Cuttack and Midnapore to form a complete register of the lands assigned for the *sirdar* and other *pykes*, and to transmit a copy to the Board of Revenue.

XI. The foregoing rules regarding the *sirdar* and other *pykes*, and the lands assigned for their support, are not to be considered applicable to certain *doosauds*, or village watchmen, entertained by the *zemindars*, *talookdars*, and other landholders, for the purpose of watching crops, guarding granaries, and other duties of that nature; which officers shall be left under the exclusive control of the *zemindars*, *talookdars*, and other landholders, as heretofore.

The foregoing rules not to be applicable to *doosauds* or village watchmen, entertained by the landholders.

XII. The Board of Commissioners for the settlement of the affairs of Cuttack having been abolished by the Governor General in Council, the authority of that Board in the said province has been discontinued.

Authority of the Board of commissioners in Cuttack, discontinued.

XIII. All laws and regulations for the maintenance of the police, and for the administration of justice in criminal cases, in the province of Bengal, which have been or shall be enacted, and which shall not be inconsistent with, or repugnant to, the provisions contained in this regulation, and likewise, such of the rules contained in Regulation IV. 1804, as are not either specifically or virtually rescinded by the present regulation, shall have full force and effect in the *zillah* of Cuttack, and in the *pergunnahs* of Puttespore, Kummardichour, and Bograe, included in the *zillah* of Midnapore; provided however, that no part of this regulation shall be construed for the present to extend to the estates of certain hill or *jungle rajas* or *zemindars*, of which the following is a list:

General extension of the regulations for the police, and the administration of criminal justice to Cuttack.

No part of this regulation to be construed to extend to the estates of certain hill and *jungle rajas or zemindars*.

Killah Neelgery,
Ditto Bankey,
Ditto Joorinoo,
Ditto Nirsingpore,
Ditto Augole,
Ditto Toalcherry,
Ditto Attgurh,
Ditto Kunjur,
Killah Kindeapara,
Ditto Neahgurh,
Ditto Rampore,
Ditto Hindole,
Ditto Teegereah,
Ditto Burrumboh,
Ditto Deckenaul,
The territory of Mohurbunge.

A. D. 1805. REGULATION XIV.

A REGULATION *for the Administration of Justice in civil Cases in the Zillah of Cuttack.*—PASSED *by the Vice-President in Council, on the* 5*th September* 1805; *corresponding with the* 22*d Bhadoon* 1212 *Bengal era; the* 26*th Bhadoon* 1212 *Fussily; the* 22*d Bhadoon* 1212 *Willaity; the* 12*th Bhadoon* 1862 *Sumbut; and the* 10*th Jumadee-us-Sanee* 1220 *Higeree.*

Preamble.

WHEREAS it is necessary that provision should be made for the administration of justice in civil cases in the *zillah* of Cuttack; and whereas it has been judged to be advisable to extend to the said *zillah*, the laws and regulations established for the trial of civil cases, in the province of Bengal, and in that part of the province of Orissa which was heretofore subject to the British Government; the following rules have been enacted, to be in force from the period of their promulgation in the *zillah* of Cuttack, including the *pergunnahs* of Puttespore, Kummardichour, and Bograe.

Zillah of Cuttack included in the jurisdiction of the provincial court of appeal for the division of Calcutta.

II. The *zillah* of Cuttack shall be included in the jurisdiction of the provincial court of appeal for the division of Calcutta.

A court of *adawlut* established in *zillah* Cuttack for the trial of civil suits.

III. A court of *adawlut* shall be established in the *zillah* of Cuttack, for the trial of civil suits in the first instance.

Jurisdiction of the *zillah* court of Cuttack shall not extend to certain *pergunnahs* annexed to the *zillah* of Midnapore.

Competent to the Governor General in Council to alter the limits of such jurisdiction.

IV. The jurisdiction of the *zillah* court of Cuttack shall not extend to the *pergunnahs* of Puttespore, Kummardichour, and Bograe, at present annexed to the *zillah* of Midnapore; provided, however, that it shall be competent for the Governor General in Council, by an order in council, to make any alteration in the limits of the said *zillah* which shall appear to him to be expedient.

Courts of *adawlut* prohibited from hearing, trying, or deciding civil suits, wherein the cause of action shall have arisen twelve years antecedent to the 14th October 1803.

V. The courts of *adawlut* are prohibited from hearing, trying, or determining the merits of any civil suit whatever in the *zillah* of Cuttack, including the abovementioned *pergunnahs*, if the cause of action shall have arisen at a period, being twelve years antecedent to the 14th day of October 1803, the date on which the fort and town of Cuttack were surrendered to the British arms.

Such restriction to extend to cases of a private nature between individuals, of which cognizance would have been taken by the authorities established under the former government, but not to civil suits originating in acts or engagements of the officers of the former

VI. It is to be understood, that the powers vested in the *zillah* courts by the foregoing clause to receive and try suits, in which the cause of action shall have originated prior to the 14th October 1803, are to be restricted to the trial of suits of a private nature between individuals, of which cognizance would have been taken by the courts, officers, or authorities established for the administration of justice under the government of Maha Raja Raghoojee Bhoonslah; and that such powers are not to be considered to extend to authorizing the *zillah* courts to take cognizance of any civil suits originating in acts of the Maha Raja's government, or of his officers, or in engagements contracted by individuals with the officers of the Maha Raja's government in their official capacities; and of which, according to the usages of their government, cognizance would not have been allowed to be taken by the persons entrusted with the exercise of judicial authority. This rule shall likewise be considered to be applicable to any suits in the *zemindarees* of Aul, Cojung, Puttrah, Hurrishpore, Muritchpore, Bishenpore, Kunkah, and Kordah, or in which the *zemindars*, *talookdars*,

dars, farmers, *ryots*, or other inhabitants of those *mohauls*, may be parties, either as plaintiffs or defendants, and of which, according to the policy observed by the late Mahratta government with respect to those *mohauls*, cognizance would not have been taken by the judicial officers of that government.

government in their official capacities, or to suits in certain *zemindarees*, of which cognizance would not have been taken under the former government.

How the *zillah* courts are to proceed, in cases wherein they may entertain doubts whether suits are cognizable under the preceding section.

VII. If any *zillah* court shall entertain doubts whether any suit preferred to it is cognizable by it under the restrictions contained in the preceding section, such court shall state the circumstances to the provincial court of appeal; which court shall forward the same, with its opinion thereon, to the Sudder Dewanny Adawlut; and the Sudder Dewanny Adawlut shall submit the case to the Governor General in Council, and shall abide by such orders as he may pass with regard to the admission or rejection of the suit.

Courts prohibited from hearing, trying, and deciding any suit wherein the cause of action shall have arisen twelve years antecedent to its institution, unless the complainant can assign satisfactory cause for the delay. The courts are not in any case after the expiration of twelve years to entertain any suit, in which the cause of action shall have arisen previous to the 14th October 1803.

VIII. After the period of twelve years shall have elapsed from the date of the conquest of the province of Cuttack, the courts of *adawlut* are prohibited from hearing, trying, or determining the merits of any civil suit, with the exception of the suits described in Sections 2 and 3, Regulation II. 1805; if the cause of action shall have arisen at a period, being twelve years antecedent to the date on which the petition for the institution of such suit shall be presented to the court; unless the complainant can shew, by clear and positive proof, that he had demanded the money or matter in question, and that the defendant had admitted the truth of the demand, or promised to pay the money; or that he directly referred his claim, within that period, to the matter in dispute, to a court of competent jurisdiction, or person having authority, whether local or otherwise, for the time being, to hear such complaint, and to try the demand; and shall assign satisfactory reasons to the court, why he did not proceed in the suit; or shall prove that either from minority, or other good and sufficient cause, he was precluded from obtaining redress: provided, however, that it shall not be competent to the *zillah* courts, under the powers vested in them by this clause, to hear, try, or determine the merits of any civil suit whatever, if the cause of action shall have arisen previous to the 14th day of October 1803.

Rules respecting the payment of interest upon money.

IX. *First*. The following rules shall be observed in the *zillah* of Cuttack, including the *pergunnahs* of Puttespore, Kummardichour, and Bograe, respecting the payment of interest on money.

Rule when the cause of action shall have arisen before the 14th October 1803.

Second. If the cause of action shall have arisen before the 14th of October 1803, the courts of civil judicature are not to decree a higher or lower rate of interest than the following, unless a lower rate of interest shall have been stipulated to be paid by the parties in the suit:

On sums not exceeding one hundred sicca rupees, two rupees and eight annas per mensem, or thirty per cent. per annum.

On sums exceeding one hundred sicca rupees, two per cent. per mensem.

No greater interest than 12 per cent. per annum to be decreed, when the cause of action shall have arisen subsequently to the 14th October 1803.

Third. If the cause of action shall have arisen on, or subsequently to, the 14th of October 1803, the courts are not to decree interest on any sum whatever above the rate of twelve per cent. per annum.

No interest shall be decreed in cases wherein the bond, &c. granted subsequent to the above date, shall stipulate a higher interest than 12 per cent. per annum.

Fourth. The courts are not to decree any interest whatever, in any case, where the bond or instrument given for the security and evidence of the debt, shall have been granted on, or subsequently to, the 14th day of October 1803, and shall specify a higher rate of interest than is authorized in clause third of this section.

Nor in cases wherein any attempt has been made to elude the rules prescribed in the foregoing clauses.

Such suits to be dismissed, with costs, to be paid by the plaintiff.

Fifth. Nor to decree any interest whatever in favour of the plaintiff in any case, where the cause of action shall have arisen on, or subsequently to the 14th October 1803, where a greater interest than that which is authorized by this regulation shall have been received, or stipulated to be received, if it be proved that any attempt has been made to elude the rules prescribed in it by any deduction from the loan, or by any device or means whatever, nor to give any other judgment but for the dismission of the suit, with costs, to be paid by the plaintiff.

Rules in cases of mortgages of real property.

Sixth. In cases of mortgages of real property, executed prior to the 14th of October 1803, in which the mortgagee may have had the usufruct of the mortgaged property, (whether he shall have held it in his own possession or not,) the usufruct is to be allowed to the mortgagee,

gagee, in lieu of interest, agreeably to the former custom of the country, (provided it shall have been so stipulated between the parties,) until the abovementioned date; subsequently to which, the same interest is to be allowed on such mortgage bonds, and also on all bonds for the mortgage of real property, which have been entered into, on, or since that date, or that may be hereafter executed, as is allowed on all bonds, which have been, or may be granted on, or posterior to, such date, and no more; and all such mortgages are to be considered as virtually and in effect cancelled and redeemed, whenever the principal sum, with the simple interest due upon it, shall have been realized from the *usufruct* of the mortgaged property, subsequent to the 14th day of October 1803, or otherwise liquidated by the mortgager.

Jurisdiction of the Sudder Dewanny Adawlut extended to Cuttack.

X. The jurisdiction of the court of Sudder Dewanny Adawlut is hereby extended to the *zillah* of Cuttack.

General extension of the regulations which now are, or may hereafter be, in force, in the provinces of Bengal, Behar, and Orissa, to Cuttack.

XI. The laws and regulations which now are, or which may be hereafter, established in the provinces of Bengal and Behar, and in that part of Orissa heretofore subject to the British Government, for the guidance of the *zillah* judges, of the judges of the provincial courts of appeal, and of the Sudder Dewanny Adawlut, for the administration of justice in civil cases, including the regulations for the manufacture of salt, for the provision of the investment, and generally regarding all cases and matters subject to the cognizance of the courts of civil judicature in the said provinces, which are not already extended to the *zillah* of Cuttack, and which are not repugnant to, or inconsistent with any of the provisions above stated, or with any of the provisions contained in Regulations XII. and XIII. 1805, are hereby declared to be in force in that *zillah*, and in the *pergunnahs* of Puttespore, Kummardichour, and Bograe; provided, however, that nothing herein contained shall be construed for the present to be applicable to the estates of certain hill or *jungle* rajas or *zemindars*, of whom a list is inserted in Section 36, Regulation XII. 1805; and provided likewise, that in cases in which the Bengal language and character are directed to be used in the province of Bengal, the Ooriya language and character shall be used in the *zillah* of Cuttack, and in the abovementioned *pergunnahs*.

Exceptions.

A. D. 1805. REGULATION XVIII.

A REGULATION *for the Appointment of a Magistrate of the Jungle Mohauls, in Zillahs Beerbhoom, Burdwan, and Midnapore; and for declaring and extending the Rules prescribed for Zemindars and Managers of Zemindarees, entrusted with the Police in those Mohauls.*—PASSED *by the Honorable the Vice-President in Council, on the* 13*th December* 1805; *corresponding with the* 29*th Aughun* 1212 *Bengal era; the* 7*th Poos* 1213 *Fussily; the* 29*th Aughun* 1213 *Willaity; the* 8*th Poos* 1862 *Sumbut; and the* 21*st Ramzaan* 1220 *Higeree.*

WHEREAS it has been judged expedient for the support of the police in certain districts, commonly called Jungle Mohauls, situated within the limits of *zillahs* Beerbhoom, Burdwan, and Midnapore, that they should be placed under the authority and control of a separate magistrate, residing at a convenient station for the immediate superintendence of those districts: And whereas the *zemindars*, or managers of *zemindarees*, in those *mohauls*, have, in many instances, with the sanction of the Governor General in Council, been entrusted with a local charge of the police, either jointly with the police *darogahs* appointed under Regulation XXII. 1793; or instead of such police officers, under rules and provisions which were adopted experimentally in the first instance, but which, from their successful operation, it is now deemed proper to enact and publish, as well as to provide for the extension of them, in other districts, as far as may be found advisable: the following rules are accordingly enacted, to be in force from the date of their promulgation. Preamble.

II. The districts called Jungle Mohauls, situated in the *zillahs* of Beerbhoom, Burdwan, and Midnapore, shall be separated from the jurisdiction of the magistrates of those *zillahs*, and placed under the jurisdiction of a distinct officer, to be denominated "magistrate of the Jungle Mohauls."

III. *First.* The jurisdiction of the magistrate of the Jungle Mohauls, shall extend throughout the undermentioned places. Jurisdiction of the magistrate of the Jungle Mohauls.

The following *pergunnahs* and *mohauls* in the *zillah* of Beerbhoom:

Pachete,
Baugmoondy,
Bogun Kaoden,
Tureef Balleapore,
Cutlass,
Hurlah,
Jelda,
Jerreah,
Jeypore,
Mukundpore,
Kismut Nawagur,
Kismut 'Chutty,
Toarrung,
Toony and Nugerkearee,
and
Patcoom.

The following *pergunnahs* and *mohauls* in the *zillah* of Burdwan;

Sainpaharee,
Shergur, and
Bishenpore; excepting the police jurisdiction of Cotalpoor, and the contiguous *pergunnah* of Bulsye, which are to remain under the jurisdiction of the magistrate of Burdwan.

The

The following *pergunnahs* and *mohauls* in the *zillah* of Midnapore:

Chatna,	Aminagar,
Burrabhoom,	Simlapol, and
Manbhoom,	Bhellyedeeah.
Soopoor,	

Second. The local jurisdiction, assigned to the magistrate of the Jungle Mohauls, is declared to be subject to such alterations, as the Governor General in Council may at any time judge expedient. And whenever it may appear advisable to discontinue the office of magistrate of the Jungle Mohauls, the Governor General in Council reserves to himself the power of abolishing that office by an order of Government, and re-annexing the districts comprised in its jurisdiction to the several adjacent *zillahs*.

Magistrate shall take the oath prescribed by Section 2, Regulation IX. 1793, and shall then exercise his authority under the general regulations and the special rules contained in this regulation.

IV. The magistrate of the Jungle Mohauls, previously to entering upon the execution of the duties of his office, shall take and subscribe before the Governor General in Council, or any person whom he may commission to administer it, the oath prescribed by Section 2, Regulation IX. 1793. He shall then possess and exercise within the limits of his jurisdiction the authority which is vested by the regulations and general orders of Government in other magistrates of *zillahs* and cities; and shall be guided by the same rules, in the discharge of the functions of his office, subject to the special provisions contained in this regulation, and any which may be hereafter enacted, regarding the *mohauls* placed under his superintendence.

What parts of Section 2, Regulation XXII. 1793, declared not to extend to any district included within the jurisdiction of the magistrate of the Jungle Mohauls.

V. So much of Section 2, Regulation XXII. 1793, as prohibits landholders from entertaining establishments of police officers for the preservation of the peace, not being applicable to many of the Jungle Mohauls, in which it has been found expedient to entrust the charge of the police to the *zemindars*, or the managers of *zemindarees*; it is hereby declared not to extend to any district, included in the jurisdiction of the magistarate of the Jungle Mohauls, the police of which, subject to the control of the magistrate, has been, or may be, committed to the *zemindar*, or to the manager of a *zemindaree*, either with, or without the co-operation of police *darogahs*, appointed under the provisions of Regulation XXII. 1793. It is further hereby declared, that the prohibition contained in Section 2. Regulation XXII. 1793, shall not be deemed applicable to any landholder, or to any farmer or manager of land, whom the Governor General in Council may authorize to entertain an establishment of police officers, whether in Jungle Mohauls or in any other *mohaul* or district whatever.

Rules prescribed for *zemindars*, and managers for *zemindarees*, entrusted with the charge of the police.

VI. The rules specified in the following section, have been prescribed for *zemindars*, and the managers of *zemindarees*, entrusted with the charge of the police in the Jungle Mohauls described in this regulation. And the Governor General in Council reserves to himself the power of extending them, in whole or in part, to any other *mohauls*, the police of which may be entrusted to a *zemindar* or other landholder, or to a farmer or manager of land.

Zemindars entrusted with charge of the police, shall receive *sunnuds*.

VII. *First.* *Zemindars*, entrusted with the police, shall receive *sunnuds* from the magistrate, under the authority of the Governor General in Council, vesting them with the charge of the police in their respective *zemindarees*.

They shall not be deprived of their *sunnuds* but for misconduct, and in the mode prescribed by Section 10, Regulation V. 1804.

Second. They shall not be deprived of their *sunnuds* except for misconduct proved to the satisfaction of the Governor General in Council: whenever the magistrate shall be of opinion that there is ground for removing a *zemindar* from the charge of the police, he shall report the same, through the court of Nizamut Adawlut, for the final determination of Government, in the mode prescribed with respect to police *darogahs*, by Section 10, Regulation V. 1804.

Third. They shall be required to maintain such establishments of *pykes*, or other watchmen, for the maintenance of the police, within their respective *zemindarees*, as may be fixed by the magistrate, with the approbation of the Governor General in Council.

A list of such persons, and statement of their allowances, to be furnished to the magistrate.

Fourth. A list of the persons so employed, with a statement of the allowance in land or money, received by them respectively, shall be furnished by each *zemindar*, and shall be deposited in the office of the magistrate. On the death or removal of any of the persons specified

cified in such lists, the *zemindar* shall fill up the vacancies, but shall immediately report the same to the magistrate.

Fifth. The *pykes* and other watchmen, and all persons employed under the *zemindar* as police officers, shall be subject to the orders of the magistrate, and be punishable for neglect of duty or other misconduct, either by fine or imprisonment, or by removal from office, or otherwise, according to the nature of the offence, under the general regulations in force.

All persons employed as police officers under the *zemindar*, shall be subject to the orders of the magistrate, and punishable under the general regulations.

Sixth. In *zemindarees*, where police *darogahs* may have been, or may be appointed, under Regulation XXII. 1793, all village watchmen, of whatever description, shall also be subject to the orders of the police *darogah*, as declared in Section 13. of that regulation; and the *zemindar* shall, in all cases, aid and support the *darogah*, in preserving the peace, preventing the commission of crimes, and apprehending offenders.

Where *darogahs* are appointed, the *zemindars* shall aid and assist them in preserving the peace.

Seventh. The *zemindars* shall be furnished with copies of Regulation XXII. 1793, and any other regulations that may be enacted for the conduct of the police *darogahs*; and are required to observe the rules contained in them, as far as may be practicable, in the discharge of their duties as chief police officers.

Zemindars to be furnished with copies of Regulation XXII. 1793, and such others as relate to the conduct of police *darogahs*.

Eighth. The *zemindars* shall send to the nearest police *darogah*, or to the magistrate, or to the nearest military detachment under the command of an officer acting in support of the police, (whichever may be most convenient,) all persons charged with murder, robbery, or other heinous crime, within twenty-four hours after the party may have been apprehended.

Where persons apprehended are to be sent by the *zemindars*, and within what time.

Ninth. The *zemindars* shall be careful to take security from prosecutors and witnesses to appear before the magistrate on a certain day, as required by Section 9, Regulation XXII. 1793.

Zemindars shall take security for the appearance of prosecutors and witnesses.

Tenth. In complaints for petty assaults, or abusive language, the *zemindars* may take *razeenamahs*, as the *darogahs* are empowered to do, by Section 12, Regulation XXII. 1793; provided the parties shall deliver such *razeenamahs* within twenty-four hours after the accused may have appeared at the *zemindar's cutcherree*.

In petty complaints the *zemindars* may take *razeenamahs*, as prescribed by Section 12, Regulation XXIII. 1793, within twenty-four hours.

Eleventh. The *zemindars* are authorized and required to apprehend all *choars*, and other plunderers of whatever description, within the limits of their own *zemindarees*, while committing a breach of the peace, or passing through their *zemindarees* after the commission of such an offence. They may also apprehend, without a written charge, all persons found within their *zemindarees*, in the act of committing any heinous crime; or with stolen goods in their possession; or against whom a general hue and cry shall have been raised; and also any notorious robbers, or thieves, or vagrants of suspicious character, as described in Section 10, Regulation XXII. 1793.

Description of persons whom the *zemindars* are authorized and required to apprehend.

Twelfth. No *zemindar* shall summon the *ryots* of another *zemindar*.

No *zemindar* shall summon the *ryots* of another *zemindar*.

Thirteenth. The *digwars*, *pykes*, or other police officers of one *zemindar* are not subject to the orders of another. But all being employed in the public service, for the general protection of the country, and the security of the lives and property of its inhabitants; it is expected, that whenever there may be occasion for their co-operation, and especially when they may be called upon by the magistrate, or by any public officer, acting on the part of the magistrate, they will jointly use their utmost endeavours to pursue and apprehend *choars*, as well as all other plunderers and disturbers of the peace.

Digwars, or other police officers of one *zemindar* not subject to the orders of another, but they are expected to co-operate whenever called upon.

Fourteenth. No *zemindar* shall send his *pykes*, or other police officers, within the limits of other *zemindars*, without receiving an express application from the latter for the purpose; or without a special order from the magistrate, or from a public officer, duly authorized, acting for the magistrate. But whenever *choars*, or other plunderers, shall attempt to assemble in any *zemindaree*, or to pass through it for the purpose of plundering another *zemindaree*, or to return through it after committing depredations, the *zemindar* and his police officers shall use their utmost endeavours to apprehend the offenders while in his *zemindaree*; should their number or force be such as to require assistance for their apprehension, the *zemindar* shall send immediate information to the commanding officer of any military detachment stationed in the vicinity, or to the nearest police station; and also to the magistrate's *cutcherree*.

No *zemindar* shall send his police officers into the limits of other *zemindars* without an express application, or orders from the magistrate.

Rules in cases of plunderers assembling in one *zemindaree*, or passing through it, to plunder another.

Zemindars and their principal or subordinate officers liable to punishment for connivance or wilful neglect.

Fifteenth. Any *zemindar* who may be convicted of having connived at the assemblage or passage of *choars* or other plunderers within the limits of his *zemindaree*, and of not attempting to apprehend them, or giving the information required in the preceding article; or who may, in any instance, be convicted of wilful neglect in affording the assistance incumbent upon him to apprehend plunderers and prevent depredation, will be liable to punishment by fine, or imprisonment; or in a heinous case, by forfeiture of his lands, according to the circumstances of the case, and under the provisions of the general regulations in force. The principal or other subordinate officers of *zemindars*, who may be convicted of any of the offences specified, will also be liable to the same penalties.

How the magistrate shall proceed in such cases.

Sixteenth. When the magistrate shall be of opinion, that an offence of the nature described in the preceding clause is established, he shall record his judgment to that effect, with the punishment he may consider adequate to the case, but previously to carrying the same into execution, shall transmit his proceedings to the court of Nizamut Adawlut, for the sentence of that court; and in cases of forfeiture, for the ultimate determination of the Governor General in Council, as provided in clause third, Section 3, Regulation II. 1797.

Zemindars liable to a prosecution in the usual manner for being concerned in robberies, &c. and in addition to the legal punishment, their lands shall be declared forfeited, and sold to make good the value of the plundered property.

Seventeenth. Any *zemindars* entrusted with the charge of the police, who shall appear to the magistrate, to have been directly or indirectly concerned in the commission of robbery, either in, or out of, the limits of his own *zemindaree*, or to have aided or abetted robbers, or to have received any plundered property from them, will be liable, in common with all other landholders, in such cases, under Section 3, Regulation XXII. 1793, to be prosecuted for the crime, before the court of circuit; and on conviction, in addition to the legal punishment, their lands are declared liable to confiscation, or to be sold for the purpose of making good the value of the property plundered, at the discretion of the Governor General in Council.

Zemindars shall enter into a written engagement to be responsible for the amount of property stolen through want of care or vigilance in themselves or their officers, and shall be liable to be sued in case of refusal to make it good.

Eighteenth. The *zemindars* shall engage to be responsible for the amount of all property robbed, or stolen, within their respective estates; unless it shall clearly and satisfactorily appear that the robbery or theft, in which such property may have been taken, was not, in any respect, owing to their want of care to prevent it, or to a want of vigilance on the part of their police officers. Every *zemindar* entrusted with the charge of the police, shall previously to receiving his *sunnud*, execute an engagement to the above effect; and on his refusal to make good the amount of any loss sustained by robbery or theft, committed within his *zemindaree*, may be sued by the party injured, in the civil court of the *zillah*, wherein the loss shall have been sustained, for recovery of the amount: subject to the general rules in force, for the trial and decision of civil causes.

What reports they are to make to the magistrate.

Nineteenth. The *zemindars* shall transmit regular information to the magistrate of all occurrences relating to the police of their *zemindarees*; and shall also send the monthly reports directed in Section 21, Regulation XXII. 1793; according to a form to be furnished to them by the magistrate for that purpose.

What language is to be used in all communications between the magistrates and *zemindars*.

Twentieth. All reports, letters, and written information shall be transmitted by the *zemindars* to the magistrate, and all orders and communications shall be issued by the magistrate to the *zemindars*, in the language and character, commonly used in their respective *zemindarees*.

The *serberahkars* or managers of estates of disqualified landholders, declared eligible for the charge of the police, with the sanction of Government.

Twenty-first. In estates, the proprietors of which may be disqualified from age, sex, or other cause, the *serberahkar*, or manager, is declared eligible for the charge of the police, with the sanction of the Governor General in Council; and, if appointed to this trust, shall receive a *sunnud*, execute engagements, and perform all the duties above prescribed for a *zemindar* entrusted with the police; under the stated provision and responsibility; or with such qualification of the latter, as the Governor General in Council may, in any instance, specially authorize and direct.

Half yearly jail deliveries by whom, when, and where to be holden.

VIII. The half yearly jail deliveries for the Jungle Mohauls shall be holden by one of the judges of the court of circuit for the division of Calcutta, at such period, and at such place, as may be directed by the court of Nizamut Adawlut.

The districts comprised in the jurisdiction of

IX. The several districts, comprised in the jurisdiction of the magistrate of the Jungle Mohauls, shall continue subject, as heretofore, in all matters of civil cognizance to the courts of

of *dewanny adawlut* for the respective *zillahs* to which they are now attached; subject to any alterations of jurisdiction which the Governor General in Council may at any time, deem expedient.

the magistrate of the Jungle Mohauls, shall continue subject to the *dewanny adawlut* in all civil matters.

X. It shall however be competent to the Governor General in Council, by an order of Government, in the event of such a measure being hereafter deemed advisable, to constitute the *mohauls*, specified in Section 3. of this regulation, a distinct *zillah*, of civil, as well as criminal jurisdiction; and to vest the officer, holding the situation of magistrate of the Jungle Mohauls, with the office of judge of the *dewanny adawlut* of such *zillah*, with the same powers as are exercised, under the laws and regulations which have been or may be enacted for the provinces of Bengal, Behar, and Orissa, by the judges of the courts of *dewanny adawlut* in the other *zillahs*, within those provinces.

It shall be competent to the Governor General in Council to invest the magistrate of the Jungle Mohauls with civil jurisdiction also, should it be deemed advisable.

A. D. 1806. REGULATION VII.

A REGULATION *for re-establishing a Court of Civil Judicature in the Vicinity of Calcutta; and for defining its Jurisdiction.*—PASSED *by the Governor General in Council, on the* 26th *of April* 1806; *corresponding with the* 15th *Bysaak* 1213 *Bengal era; the* 23d *Bysaak* 1213 *Fussily; the* 15th *Bysaak* 1213 *Willaity; the* 8th *Bysaak* 1863 *Sumbut; and the* 6th *Suffer* 1221 *Higeree.*

Preamble.

WITH a view of improving the police in the town and suburbs of Calcutta, it was deemed expedient, in the year 1800, to constitute the justices of the peace for the town of Calcutta, magistrates of the Twenty-four Pergunnahs, and parts of the adjacent districts situated within the distance of about twenty miles from the town of Calcutta, with the general powers vested in the magistrates of the *zillahs* and cities by Regulation IX. 1793, and by the other regulations in force respecting the administration of criminal justice and police. The jurisdiction of the court of circuit for the division of Calcutta was at the same time reserved, as before, for the trial of all persons committed, or held to bail, by the magistrates of the Twenty-four Pergunnahs, for offences not cognizable by the Supreme Court of Judicature. And the *dewanny adawlut*, or civil court, of the Twenty-four Pergunnahs being discontinued, those *pergunnahs* were annexed to the civil jurisdiction of *zillah* Hooghly; excepting such *mohauls* as were more contiguous to the station of the *dewanny adawlut* of *zillah Nuddea*; which were consequently annexed to the civil jurisdiction of that *zillah*. This arrangement has produced the full benefit expected from it, in improving the police of the town of Calcutta and its environs. But the addition of business to the civil court of *zillah* Hooghly, from the annexation of the greater part of the Twenty-four Pergunnahs to its jurisdiction, has been found more than a single judge can perform, with the requisite despatch, in consequence of which, it has been necessary, as a temporary expedient, to appoint an assistant judge in that *zillah*, under the provisions of Section 2, Regulation XLIX. 1803; and the increasing population of the suburbs of Calcutta renders it an object of importance and public convenience, that a court of civil jurisdiction should be permanently established in the immediate vicinity of that city. The following provisions are accordingly enacted by the Governor General in Council for this purpose.

A civil court to be re-established in the vicinity of Calcutta.

II. A court of civil judicature shall be re-established in the vicinity of Calcutta; to be denominated, as heretofore, the *dewanny adawlut* of the Twenty-four Pergunnahs.

Limits of its jurisdiction.

III. The civil jurisdiction of the court established under the preceding section, shall extend to the whole of the *pergunnahs* and *mohauls* which are now, or may be hereafter, placed under the criminal and police jurisdiction of the magistrates of the Twenty-four Pergunnahs, and which are not situated within the limits of the town of Calcutta.

From what period the jurisdiction of *zillah* Hooghly and other *zillah* courts to cease in the *mohauls* described in Section 3.

IV. The jurisdiction of the *dewanny adawlut* of *zillah* Hooghly, or of any other *zillah*, in the *mohauls* described in Section 3, shall cease from the receipt of this regulation by the judge of such *zillah*; and all records and papers relative to depending civil causes, the cognizance of which under Section 8, Regulation III. 1793, or any other provision in the regulations, may appertain to the civil court established under Section 2. of this regulation, shall be immediately transmitted to the judge of such court. All separate records and papers, relative to decided causes which may have originated in the limits of the jurisdiction, specified

And provision for transmission of records of depending causes relative thereto.

Also for future transmission of records of decided causes.

specified in Section 3, shall also be transmitted to the judge of the *dewanny adawlut* of the Twenty-four Pergunnahs, as soon as the same can be collected, and the requisite list be prepared to accompany them.

Powers and duties of the judge of the civil court established under this regulation.

V. The judge of the *dewanny adawlut* of the Twenty-four Pergunnahs, established under this regulation, shall possess the same powers for the administration of civil justice, as are vested by the general regulations in the judges of other *zillah dewanny adawluts*; and shall perform the same duties; in the manner and under the restrictions prescribed by the rules in force, or which may be hereafter enacted in conformity with Regulation XLI. 1793.

Not to exercise any powers, or perform any duties, appertaining to the office of magistrate.

VI. The provision in Section 2, Regulation IX.* 1793, *that the judges of* dewanny adawlut *of the several* zillahs, *shall hold the office of magistrate of the* zillah *under their respective jurisdictions, shall not however be considered applicable to the judge of the* dewanny adawlut *of the Twenty-four Pergunnahs established under this regulation; nor shall he be authorized to exercise any powers, or to perform any duties, which under the general regulations, appertain to the office of magistrate, and not to that of civil judge.*

Powers and duties of the office of magistrate, by whom to be exercised and performed, in the mohauls *composing the jurisdiction of the* dewanny adawlut *of the 24-Pergunnahs.*

VII. The justices of the peace for the town of Calcutta, who have been appointed magistrates of the Twenty-four Pergunnahs, and adjacent mohauls *in the vicinity of Calcutta, or such person or persons as the Governor General in Council may hereafter appoint for the purpose, shall exercise the powers and perform the duties of the office of magistrate in the* pergunnahs *and* mohauls *composing the civil jurisdiction of the* dewanny adawlut *of the Twenty-four Pergunnahs, in the manner, and under the restrictions, prescribed by the existing regulations; or such as may be hereafter enacted, in conformity with Regulation XLI.* 1793.

Section 26, Regulation XI. 1800, rescinded.

Complaints against public officers at the presidency, which are cognizable in any court of *zillah dewanny adawlut*, to be received and tried in the *dewanny adawlut* of the 24-Pergunnahs.

VIII. Section 26, Regulation XI. 1800, whereby it was declared that, in consequence of the abolition of the *dewanny adawlut* of the Twenty-four Pergunnahs, complaints against the collector of customs at Calcutta, or his officers, should be cognizable in the *dewanny adawlut* of *zillah* Hooghly, is rescinded; and it is hereby declared, that all complaints against the collector of customs at Calcutta, or his public officers, or any other public officer at the presidency, which by the regulations in force are cognizable in any court of *zillah dewanny adawlut*, shall be received, tried, and determined, as prescribed in the regulations, by the judge of the *dewanny adawlut* of the Twenty-four Pergunnahs, constituted in pursuance of the regulations now enacted.

* Sections 6 and 7, are rescinded by Section 3, Regulation XIV. 1811.

A. D. 1806. REGULATION XII.

A REGULATION *for annexing the Pergunnahs of Sonk, Sonsa, and Sahar, situated on the right Bank of the River Jumna, to the Jurisdiction of the Zillah of Agra; and for extending to those Pergunnahs, the Laws and Regulations established for the internal Government of the ceded and conquered Provinces.*—PASSED *by the Governor General in Council, on the* 3d *July* 1806; *corresponding with the* 21*st Assar* 1213 *Bengal era; the* 3d *Sawun* 1213 *Fussily; the* 21*st Assar* 1213 *Willaity; the* 2d *Sawun* 1863 *Sumbut; and the* 10*th Rubbee-us-Sanee* 1221 *Higeree.*

Preamble.

WHEREAS the *pergunnahs* of Sonk, Sonsa, and Sahar, forming part of the territories situated on the right bank of the Jumna, which were ceded to the Honorable the English East India Company by the treaty concluded with Dowlut Rao Scindia, on the 30th December 1803, but were subsequently given up to the Raja of Bhurtpore, have been since resumed, and become finally annexed to the Company's territories, in pursuance of the treaty concluded with the Raja of Bhurtpore, under date the 17th of April 1805, the following rules are enacted for the Government of the said *pergunnahs*.

Sonk, Sonsa, and Sahar, to be annexed to *zillah* Agra.

II. The *pergunnahs* of Sonk, Sonsa, and Sahar, shall be annexed to the jurisdiction of the *zillah* of Agra.

Regulations IX. 1804, VIII. IX. and XI. 1805, with such other regulations as have been or may be enacted for the conquered provinces, declared to be in force in the above *pergunnahs*.

Periods for the operation of the said regulations, with certain exceptions, declared applicable to the said *pergunnahs*.

III. Regulations IX. 1804, VIII. IX. and XI. 1805, and the several regulations therein referred to, together with such other regulations applicable to the conquered provinces situated within the Dooab and on the right bank of the river Jumna, as have been or may be hereafter enacted, shall be in force in the *pergunnahs* mentioned in the foregoing section, and the periods prescribed for the operation of the said regulations in the conquered provinces, (with the exceptions hereafter specified,) are hereby declared to be applicable to the *pergunnahs* aforesaid.

The 17th of April 1805 to be considered the period of limitation for taking cognizance of offences committed in the said *pergunnahs*.

Persons convicted of offences committed in the said *pergunnahs*, between the 17th April 1805, and the date of this regulation,

IV. Instead of the date specified in Section 11, Regulation IX. 1804, the 17th of April 1805, being the date of the treaty concluded with the Raja of Bhurtpore, shall be considered the period of limitation for taking cognizance of crimes and offences committed in the *pergunnahs* mentioned in Section 2. Persons convicted of crimes or offences, committed in the said *pergunnahs*, between the 17th of April 1805, and the date of the promulgation of this regulation, shall be subject to the rules provided in similar cases in the conquered provinces, by Section 11, Regulation IX. 1804. In like manner the 17th of April 1805, shall be considered the period of limitation for taking cognizance of civil suits in the said *pergunnahs*, in *lieu* of the date specified in clause second, of Section 6, Regulation VIII. 1805.

V. Instead of the periods prescribed by Sections 3, 4, and 5, Regulation IX. 1805, for concluding the periodical settlements of the land revenue in the conquered provinces, the three

to be subject to the rules in Section 11, Regulation IX. 1804.

The 17th of April 1805, to be considered the period of limitation for taking cognizance of civil suits in those *pergunnahs*.

For what periods the settlement of the land revenue in those *pergunnahs*, is to be concluded.

Periods for the operation of Reg. XXXIV. 1803.

Regulation XL. 1803, not to be in force in those *pergunnahs*, until 1214 Fussily.

three succeeding settlements of the land revenue in the *pergunnahs* mentioned in Section 2, shall be concluded for the following periods of time: first, for the years 1214 and 1215 Fussily; secondly, for the years 1216, 1217, and 1218, Fussily; and thirdly, for the years 1219, 1220, 1221, and 1222, Fussily; under the terms and conditions specified in the proclamation contained in Regulation IX. 1805.

VI. The 17th of April 1805, shall be the date to be adopted in the *pergunnahs* mentioned in Section 2, in lieu of the date specified in clause first, Section 2, Regulation XXXIV. 1803; and the 1st of January 1807, shall be adopted in the said *pergunnahs*, in lieu of the date specified in Section 7. and 8, of the regulation aforesaid.

VII. Regulation XL. 1803, shall not be in force in the *pergunnahs* mentioned in Section 2, until the commencement of the year 1214 Fussily.

A. D. 1806. REGULATION XIV.

A REGULATION *for abolishing the Court of Dewanny Adawlut of the Zillah of the Northern Division of Saharunpore; and for incorporating the Jurisdiction of that Court, with the Civil Jurisdiction of the Court established in the Southern Division of Saharunpore.---*PASSED *by the Governor General in Council, on the* 23d *July* 1806; *corresponding with the* 9th *Sawun* 1213 *Bengal era; the* 23d *Sawun* 1213 *Fussily; the* 9th *Sawun* 1213 *Willaity; the* 8th *Sawun* 1863 *Sumbut; and the* 6th *Jemaud-ul-Awul* 1221 *Higeree.*

Preamble.

WHEREAS the northern and southern divisions of Saharunpore at present constitute two distinct *zillahs;* and whereas, from the limited extent of the northern division, a separate court of civil jurisdiction is unnecessary in that division; and whereas it may hereafter be judged advisable, likewise to incorporate the criminal jurisdiction of those *zillahs;* the following rules have been enacted, to be in force from the time of their promulgation.

Parts of clause first, Section 3, Regulation VIII. 1805, rescinded.

II. Such parts of clause first, of Section 3, Regulation VIII. 1805, and of any other provisions in the existing regulations as declare, that the northern and southern divisions of Saharunpore shall constitute two distinct civil jurisdictions, are hereby rescinded.

Separate jurisdiction of the *dewanny adawlut* of the northern division of Saharunpore abolished, and the jurisdiction incorporated with the southern division of that district.

III. The separate jurisdiction of the *dewanny adawlut* of the northern division of Saharunpore, shall be abolished from the period of the promulgation of this regulation, and the jurisdiction of that court shall be incorporated with the jurisdiction of the *dewanny adawlut* of the southern division of Saharunpore. All papers and records relative to causes depending in the former court, shall be accordingly transmitted to the judge of the southern division of Saharunpore. All papers and records likewise relating to decided causes, shall be transmitted to the judge of the *dewanny adawlut* of the southern division of Saharunpore.

Northern division of Saharunpore to constitute a separate criminal jurisdiction, and the authority of the magistrate to extend to all the *mohauls* at present comprised in that *zillah.*

Power reserved to Government of abolishing the separate criminal jurisdiction of the abovementioned division, whenever such measure shall appear advisable.

IV. The northern division of Saharunpore shall for the present constitute a separate criminal jurisdiction; and the authority of the magistrate of that *zillah* shall extend to all the *mohauls* at present comprised in the northern division of Saharunpore, with the same powers as have hitherto been exercised by the magistrate of that *zillah.* The Governor General in Council, however, reserves to himself the power of abolishing the separate criminal jurisdiction of the northern division of Saharunpore, and of incorporating it with the other division of Saharunpore, whenever it shall appear to Government to be advisable to adopt that measure.

A. D. 1808. REGULATION II.

A REGULATION *for the better Security of the Property of Minors subject to the Jurisdiction of the European Court at Chandernagore.*—PASSED *by the Governor General in Council, on the* 16*th April* 1808; *corresponding with the* 5*th Bysaak* 1215 *Bengal era; the* 6*th Bysaak* 1215 *Fussily; the* 5*th Bysaak* 1215 *Willaity; the* 6*th Bysaak* 1865 *Sumbut; and the* 19*th Suffer* 1223 *Higeree.*

Preamble.

SINCE the town of Chandernagore has been under the authority of the British Government, the civil laws of France, under which its French inhabitants lived before the war, have been allowed to continue in force; but the provisions of those laws with regard to the period of minority and the guardianship of minors have been found by experience in many respects inapplicable to present circumstances, and insufficient for protecting the property of persons under age. By those laws the period of minority continues till the age of five and twenty years; but by the law at present established in France and throughout the French colonies, that period is limited to one and twenty years. This difference in the relations of property, which must necessarily subsist between individuals at Chandernagore and their kindred or connections in France or the French colonies, may be productive of serious inconvenience. It frequently happens that Europeans dying at Chandernagore have no relations on the spot, and the law in use not allowing of a testamentary disposition of guardianship, the choice of a guardian to their minor children devolves on strangers; by the law in use the only manner strictly legal of investing the funds of minors, is in good real security; and the impracticability in most cases of procuring such security at Chandernagore, affords a plausible pretext for employing the funds of minors in hazardous speculations; by the law in use guardians are not subject during their administration to be called to account except in cases of notorious malversation, and consequently there is no such control as ought to exist for the prevention of abuses in their trust. As it is highly expedient to afford to guardians a legal, easy, safe, and profitable mode of investing the property of their wards, and to establish over them such a species of control as may provide for the security of the funds entrusted to them, without deterring honest and respectable men by the severity of its details from undertaking the charge; the Governor General in Council has enacted the following rules, to be in force from the promulgation of this regulation within the town of Chandernagore.

Fixing the period of majority for Europeans, and others, subject to the French civil laws at Chandernagore.

II. The period of majority for Europeans, descendants of Europeans, and other persons, hitherto subject to the civil laws of France at Chandernagore, is, for the future, fixed at the age of one and twenty years.

Once a year guardians to deliver in their accounts to the European court of justice.

III. All guardians (not parents) already appointed, and to be, hereafter, appointed, shall deliver in their accounts to the European court of justice at Chandernagore, once a year, namely, on the 1st of July, adjusted to the 30th of April preceding, specifying the whole amount of their receipts and disbursements on account of their wards, the balance in their hands, and the manner in which they have disposed of that balance.

Cases in which the court of justice may call upon a guardian for his account.

IV. Upon an application made on behalf of a minor, and after the circumstances stated in that application shall have been duly verified, the court of justice at Chandernagore shall be competent to call upon a guardian for his account at any shorter period.

Immoveable property of minors, not to be sold without sanction of the court.

Capital of minors engaged in trade, manufacture, or mortgages, to continue so invested with the approbation of the court.

No guardian shall engage the property of his ward in any other manner than in public securities, without the permission of the court.

Balance of cash to be vested in public securities.

V. Immoveable property now belonging, or which may in future belong, to minors, shall not be sold without the sanction of the court, or special directions in the will by which such property may be bequeathed; capital engaged in trade or manufacture, or invested in good mortgages, which may at present belong, or which may in future be left or come to minors, shall continue to be so applied or invested so long as the guardians, with the approbation of the court, shall deem such application or investment advantageous to the minors; but no guardian shall without the permission of the court engage the property of his ward in trade or manufacture, or dispose of it otherwise than in the purchase of public securities bearing interest, which shall be deposited, as soon as purchased, in the public treasury: and all balances of cash in the hands of guardians shall, as often as possible, be vested in the purchase of such securities.

Periodical accounts not to be conclusive; but shall be open to revision until the final settlement of them.

VI. The periodical statements of accounts in the court of justice shall not be conclusive. The accounts of guardians till the final settlement of them, according to the laws of France, shall always be open to revision and impeachment, upon proof of any error, or fraud.

The foregoing rules not applicable to guardians appointed by the father to his children.

Fathers empowered to make such appointments.

In what cases such guardians to be called to account.

VII. The above rules shall not be considered applicable to guardians appointed by a father to his children by his last will, duly made before a notary, or according to any other form which is required by the law now in use at Chandernagore as essential to the validity of a will; power is hereby given to fathers to make such appointments by will; guardians so appointed shall not be called to account during their administration, unless a complaint be preferred on behalf of the minor, and reasonable ground be made to appear to the court; but in case of gross malversation established against them, they shall not only be liable to make good any loss to their wards, but may be removed from their offices by a decree of the court.

On receipt, this regulation to be translated into French, and to be registered and published for general information.

VIII. The superintendent at Chandernagore, on the receipt of this regulation, shall cause it to be exactly translated into the French language, and to be registered and published in the court of justice, as well as in such other places, and in such manner, as may be customary, for general information.

A. D. 1808. REGULATION XII*.

A REGULATION *to provide for the Administration of Civil and Criminal Justice at Serampore.—*PASSED *by the Governor General in Council, on the* 23d *December* 1808; *corresponding with the* 10*th Poose* 1215 *Bengal era; the* 20*th Poose* 1216 *Fussily; the* 10*th Poose* 1216 *Willaity; the* 6*th Poose* 1865 *Sumbut; and the* 4*th Zekaad* 1213 *Higeree.*

Preamble.

THE *war between Denmark and Great Britain rendering it uncertain how long the factory of Serampore may remain under the authority of the British Government; and the appeal which was before open from the judgments of the European court, and chief at Serampore, to a superior tribunal at Tranquebar, in all cases of a civil nature exceeding the sum of one hundred and fifty rupees, as well as an ultimate appeal, in certain cases, to the King of Denmark in Council, being necessarily suspended during the war; the Governor General in Council, with a view to secure to the inhabitants of Serampore, whilst they shall remain under British protection, the due and regular administration of justice, civil and criminal, as already provided for by Regulation I. and XVI.* 1805, *in the settlements of Chandernagore and Chinsurah; with such differences only as appear requisite, in conformity with the local establishments and usages subsisting at Serampore when that settlement became subject to the British authority; has enacted the following rules, to be in force as soon as promulgated, and to remain in force whilst the settlement of Serampore shall continue under the British Government.*

Two courts of civil and criminal justice to remain as heretofore.

II. For the administration of civil and criminal justice to the European and native inhabitants of Serampore, there shall, as heretofore, be two separate and independent courts; to be denominated, respectively, the European court, and the cutcherree *or native court.*

European court of what officers to consist. By whom to be appointed, and by whom removable.
Further inferior officers, what duties to be performed by them.
Native establishment.

III. The European court shall be composed of a judge and magistrate; and of a recorder, or register; to be appointed to their respective offices by the Governor General in Council; and to be removable therefrom by his order only. Two European or Portuguese officers shall also be attached to the court, whose duty it shall be, as heretofore, to attest the proceedings of the court; and to verify them, when required, on oath. The requisite establishment of native officers shall also be attached to the court.

Native court of what officers to consist, by whom to be appointed, and by whom removable.

IV. The cutcherree *or native court shall consist of a judge and magistrate, with an establishment of native officers. The judge and magistrate to be appointed by the Governor General in Council, and to be removable by his order only.*

Civil suits between what persons to be taken cognizance of by the European court.

V. The European court, in its civil jurisdiction, shall take cognizance of all suits of a civil nature between Europeans, the descendants of Europeans, and the description of native Christians commonly called Portuguese; or in which the defendant may be a European, the descendant of an European, or native Christian of the description above mentioned; provided, in all cases, that the parties sued be subject to the local jurisdiction of the court. With the exception stated in the following section, the court shall be guided, in its proceedings and decisions, by the laws, rules, and usages, which were in force at Serampore, at the time of its coming into the possession of the British Government. When the judge shall found his decision upon any law of Denmark, or upon any particular local rule, or usage, he shall specify the same in his decree. All petitions and pleadings

By what laws and local usages European court to be guided.
Points of Danish law or local usage, to be specified by the judge in his decrees.

* The whole of this regulation is rescinded by Section 2, Regulation III. 1816.

Pleadings, &c. in what language to be held. In appeals to the commissioner, an English translation at whose expense to be made. Proceedings how to be recorded.

pleadings of the parties may be written at their option, in the Danish or English language; but in cases appealed to the commissioner as hereafter provided, an English translation of all papers in the Danish language shall be made at the expense of the appellant (to be reimbursed by the respondent, if the judgment on the appeal be given in favour of the appellant), and shall be authenticated by the judge or register. And in all cases the proceedings, orders, and judgments of the court, shall be recorded in both the Danish and English languages.

Debtors and others who had taken refuge at Serampore before it came under the British authority, how to be sued. Judgments obtained against them to be enforced by attachment of property without imprisonment. Except in particular cases.

VI. Protections and exemptions from suits granted by the Danish government, to persons who had taken refuge at Serampore, shall no longer have effect, in exempting such persons from being sued in the courts of Serampore, provided they are otherwise amenable to their jurisdiction. But in the event of a judgment being passed against any person who had received a protection from the Danish government, in respect of any sum of money or value due before the capture of Serampore, the judgment shall be executed by attachment and sale of the property of the defendant only, and not by imprisonment of his person; unless it shall clearly appear that he has been guilty of fraud towards his creditor, and has concealed or clandestinely disposed of property, which ought, in justice, to have been appropriated to the discharge of his debt; in which case it shall be at the discretion of the court, on application from the plaintiff, and on his undertaking to pay the usual subsistence to the defendant, during his imprisonment, to confine the latter until the judgment passed against him be satisfied.

For what amount judgments of European court to be final. Provision for special appeal to commissioner.

VII. First. *The judgments of the European court shall be final to an amount or value not exceeding one hundred and fifty sicca rupees. Provided, however, it shall be competent to the commissioner at Serampore to admit a special appeal from any decree of the European court, which on the face of it, may appear to be erroneous or unjust, or from which the nature of the case shall appear to be of sufficient importance to merit a further investigation in appeal, although within the amount specified in this clause.*

In causes for what amount, and under what conditions, regular appeals to be admitted by the commissioner.

Second. *From all judgments and orders passed by the European court for an amount or value exceeding one hundred and fifty sicca rupees, an appeal shall lie to the commissioner at Serampore; provided that the petition of appeal be preferred within three months after the judgment or order appealed from, shall have been passed; or, if not preferred within this period, that sufficient reason for the delay be assigned to the satisfaction of the commissioner.*

Civil suits between what persons, to be taken cognizance of by the native court. Proviso.

VIII. The cutcherree *or native court, in its civil jurisdiction, shall have cognizance of all causes of a civil nature between native parties, or in which a native of India (not of the description of native Christians mentioned in Section 5,) may be the defendant; provided that the parties sued be subject to the local jurisdiction of the court. With the exception stated in Section 6, (which is hereby declared equally applicable to the native and European courts), the court shall be guided in its proceedings and decision by the laws, rules, and usages which were in force at Serampore, when it came into the possession of the British Government. When the judge shall found his decision upon any particular law, rule, or usage, he shall specify the same in his decree. All petitions and pleadings of the parties, as well as all proceedings and orders of the court, shall be in the Bengal or Persian language.*

By what laws and local usages native court to be guided. Particular points of law, or local usage to be specified by judge in his decrees.

Pleadings, &c. in what languages to be held. For what amount judgments of native court to be final. Provisions for special appeals.

IX. First. *The judgment of the native court shall be final to an amount or value not exceeding fifty sicca rupees. Provided, however, that it shall be competent to the commissioner at Serampore to admit a special appeal from any decree of the native court, which on the face of it may appear erroneous or unjust; or from which the nature of the case shall appear to be of sufficient importance to merit a further investigation in appeal, although within the amount specified in this clause.*

In cases of what value, and under what conditions, regular appeals shall lie to the commissioner.

Second. *From all judgments and orders passed by the native court for an amount or value exceeding fifty sicca rupees, an appeal shall lie to the commissioner at Serampore, provided that the petition of appeal be preferred within three months after the judgment or order appealed from, shall have been passed; or if not preferred within this period, that sufficient reason for the delay be assigned to the satisfaction of the commissioner.*

X. First. *In all cases of a civil nature heard and determined by the commissioner at Serampore, whether in appeal from the European court, or from the native court, a further appeal shall lie from the judgment, or order, of the commissioner, to the court of Sudder Dewanny Adawlut established at Calcutta; provided that the amount or value adjudged against the party desiring to appeal, shall exceed the sum of five thousand sicca rupees; and that the petition of appeal be preferred within three months after the decree or order appeared from, shall have been passed; or if not preferred within this period, that sufficient reason for the delay be assigned to the satisfaction of the court of Sudder Dewanny Adawlut.*

In cases of what value and under what conditions, a further appeal from the commissioner shall lie to the Sudder Dewanny Adawlut.

Second. *It shall further be competent to the court of Sudder Dewanny Adawlut to admit a special appeal from any judgment or order passed by the commissioner at Serampore, although the amount or value adjudged may be less than five thousand sicca rupees; if on the face of the decree or order, it shall appear erroneous or unjust; or if, from the nature of the case, as stated in the decree, or order, it shall appear of sufficient importance to merit a further investigation in appeal, although within the amount specified in the preceding clause.*

In what instances the Sudder Dewanny Adawlut may admit a special appeal from the decisions of the commissioner.

XI. *The provisions contained in this regulation for an appeal to the commissioner at Serampore from decisions passed by the European and native civil courts at that settlement, and for a further appeal from the decisions of the commissioner to the court of Sudder Dewanny Adawlut, shall have a retrospective operation, with respect to all decisions in civil causes passed by the European and native courts, and by the commissioner, since the settlement of Serampore has been subject to the authority of the British Government. But nothing in this regulation shall be understood to authorize an appeal in cases determined by the courts established at Serampore, before its subjection to the British authority; without special cause assigned to the satisfaction of the court of Sudder Dewanny Adawlut; which court is empowered to admit such appeals, in particular cases, if it appear necessary for the ends of justice, but this discretionary power is to be exercised with caution; and the appeal is not to be allowed in any case without satisfactory reason for its not having been before brought forward.*

The provision in this regulation respecting appeals from decisions passed since the settlement of Serampore has been subject to the British authority.

But not to any decision before that date, unless by particular permission of the Sudder Dewanny Adawlut.

XII. First. *The provisions contained in Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13, Regulation I. 1805, relative to appeals to the court of Sudder Dewanny Adawlut, from the decisions of the courts of civil justice established at Chandernagore and Chinsurah, and to the general authority of the Sudder Dewanny Adawlut over those courts, shall be considered applicable to all cases of appeal to the court of Sudder Dewanny Adawlut from the judgments and orders of the commissioner at Serampore, as well as to the general authority of the Sudder Dewanny Adawlut over the courts of justice established at Serampore.*

Sudder Dewanny Adawlut how to be guided in appeals from the commissioner of Serampore, and what its authority over the courts established there.

Second. *It shall further be competent to the commissioner at Serampore to frame such rules of practice as may be found most convenient for carrying into full effect the several provisions of this regulation; and after obtaining the approbation of the Sudder Dewanny Adawlut thereto, to prescribe an observance of the same to the European and native courts at Serampore.*

Rules of practice for the European and native courts, to be framed by the commissioner, and approved by the Sudder Dewanny Adawlut.

XIII. First. *The provisions contained in Regulation XVI. 1805, for the administration of justice in criminal cases within the settlements of Chandernagore and Chinsurah; and for extending the jurisdiction of the Calcutta court of circuit, and court of Nizamut Adawlut over those settlements, are hereby extended to the settlement of Serampore, with the following modifications.*

Provisions for administering criminal justice in Chandernagore and Chinsurah, extended to Serampore.

Second. *The magistrates of the European and native courts at Serampore, in the cognizance of criminal offences, shall respectively exercise, over the persons subject to their jurisdiction, the same powers as are vested in the magistrates of Chandernagore and Chinsurah respectively by the regulation above mentioned; and shall be guided by the same rules in the performance of their duties, as far as the same may be applicable.*

What powers to be exercised by magistrates at Serampore, and what rules to guide them.

Third. *In all cases not provided for by Regulation XVI. 1805, or by the present regulation, the magistrates of the European and native courts at Serampore shall be guided by the*

In cases not provided for by Regulation XVI.

1805, magistrates at Serampore how to be guided.

the laws, rules, and forms, which were in force before the subjection of that settlement to the British Government.

What powers to be exercised by the commissioner of Serampore in criminal matters and in superintendence of the police.

Fourth. *The commissioner at Serampore shall possess a concurrent jurisdiction with that of the magistrates of the European and native courts, in all matters of a criminal nature; as well as a general superintendence of the police; and he is hereby declared competent to interpose his authority and control, whenever the same may appear necessary.*

Jail deliveries for Serampore at what periods, and by whom to be held.

XIV. Two general jail deliveries for the settlement of Serampore shall be holden annually, at Serampore, by one of the judges of the courts of circuit for the division of Calcutta, immediately after the half yearly jail delivery for the settlements of Chandernagore and Chinsurah.

What duties prescribed in Regulation XVI. 1805, to be performed by the commissioner of Serampore.

XV. The commissioner at Serampore shall perform the duties prescribed to the magistrate of Chandernagore and Chinsurah by Sections 8, 9, *and* 10, *Regulation XVI.* 1805, *and generally the whole functions of the magistrate, prescribed by that regulation, which may not more properly appertain to the magistrates of the European and native courts at Serampore.*

Into what languages this regulation to be translated, and how to be published, by commissioner of Serampore.

XVI. The commissioner at Serampore, on receipt of this regulation, shall cause it to be exactly translated into the Danish and Bengal languages, and to be published in the courts of justice at that settlement, as well as in such other places and in such manner as may be customary, for general information.

A. D. 1812. REGULATION XVI.

A REGULATION *for authorizing the Judge of the Dewanny Adawlut of the Zillah of the 24-Pergunnahs, to execute Judgments passed by the Court of Requests for the Town of Calcutta.*—PASSED *by the Governor General in Council, on the 15th August* 1812; *corresponding with the* 1st *Bhadoon* 1219 *Bengal era; the 22d Sawun* 1219 *Fussily; the 2d Bhadoon* 1219 *Willaity; the 8th Sawun* 1869 *Sumbut; and the 7th Shabaan* 1227 *Higeree.*

Preamble.

WHEREAS execution of the judgments of the commissioners of the Court of Requests for the town of Calcutta, is often defeated, by the parties against whom the same have been obtained, absconding from the limits of the town into the *zillah* of the 24-Pergunnahs; to remedy the inconvenience in question, the following rules have been enacted, to be in force from the period of their promulgation.

The judge of the *zillah* of the 24-Pergunnahs ordered, under certain circumstances, to execute judgments of the commissioners of the Court of Requests for the town of Calcutta.

II. *First.* If the defendant in any suit decided by the Court of Requests for the town of Calcutta, the plaintiff in which shall have obtained a judgment, shall retire before execution of the same, into the jurisdiction of the judge of the *zillah* of the 24-Pergunnahs, the judge of the said court, upon receiving a written application from the said plaintiff, either in person or by *vakeel*, setting forth the above circumstances, and accompanied by a copy of the judgment duly authenticated, is hereby authorized and directed to proceed to execute the said judgment in the mode prescribed by the existing regulations for executing his own decrees.

The judge, upon the defendant alleging any cause against the execution of the judgment, which may require the determination of the commissioners, how to proceed.

Second. Provided always, that if the defendant in such case shall allege any cause against the execution of the judgment which shall appear to the judge to require the determination of the commissioners of the Court of Requests, the judge shall upon such defendant entering into sufficient security to satisfy the judgment, if the judge should deem this precaution necessary, allow the said defendant a reasonable period to apply to the said commissioners; upon the expiration of which, unless the said defendant should produce an order properly authenticated from the said commissioners, certifying that the judgment ought not to be put into execution, the judge shall forthwith proceed to execute the judgment as prescribed in the preceding clause.

Defendants who have been confined by the commissioners, but liberated under the rules established by Government on the 11th February 1805, not again to be confined by the judge in execution of the same judgment; execution in such cases to proceed against the property only.

Third. Provided further, that no defendant who shall have been confined in the jail of the said commissioners, and shall have been liberated under the rules established for the guidance of the said commissioners by the Governor General in Council, on the 11th February 1805, in consequence of having received diet money for a given period, shall again be confined by the judge of the *zillah* of the 24-Pergunnahs in execution of the same judgment; but that, in all such cases, execution shall proceed against the property only of the defendant.

A. D. 1812. REGULATION XXII.

A REGULATION *for exempting certain Territories and Jaghires, situated on the Borders of the Zillah of Bundlecund, from the Operation of the general Regulations; and for annexing to that Zillah, certain Lands formerly composing a Part of the Jaghire of the Killadar of Kalenger.*—PASSED *by the Governor General in Council, on the 5th December* 1812 ; *corresponding with the 22d Aughun* 1219 *Bengal era ; the 27th Aughun* 1220 *Fussily ; the 23d Aughun* 1220 *Willaity ; the 2d Aughun* 1869 *Sumbut ; and the 30th Zekaad* 1227 *Higeree.*

Preamble.

WHEREAS it has been deemed proper, on principles of justice and policy, to confirm or restore to several of the Bondeelah chieftains their ancient territorial possessions, free from the payment of any tribute to the British Government, and also to place under the authority of several of those chieftains certain lands subject to a fixed tribute payable through the agent to the Governor General, and likewise to grant to several other persons *jaghires* situated within the ancient limits of the province of Bundlecund; and whereas circumstances have occurred, which render it necessary to explain that it neither was, nor is, the intention of Government, that any of the three descriptions of tenures above described, should be subject to the operation of the general regulations, or to the jurisdiction of the civil and criminal courts of judicature; and whereas it has been judged advisable to annex to the *zillah* of Bundlecund, certain lands formerly composing a part of the *jaghire* of the *killadar* of Kalenger, the following rules have been enacted, to be in force from the period of their promulgation.

Territories and *jaghires* of certain chieftains and *jaghiredars* declared to be exempt from the operation of the regulations, and from the jurisdiction of the civil and criminal courts.

II. The territories and *jaghires* at present in the possession of the undermentioned chieftains and *jaghiredars*, are hereby declared to have always been, and still to be, exempted from the operation of the general regulations, and from the jurisdiction of the courts of civil and criminal judicature, viz.

The territory of raja Kishore Sing, the raja of Punnah, including the *talook* of Shewrajpore, for which a fixed tribute is paid by him through the channel of the agent to the Governor General in Bundlecund.

Ditto of raja Bukht Sing, the raja of Kotra and Adjey Ghur, including the Tuppa of Bechoun, and the *talook* of Corah, for which a fixed tribute is paid by him through the agent to the Governor General in Bundlecund.

Ditto of raja Bickurmajit Bedjey Bahauder, the raja of Churkarry, including the *talooks* of Chundellah and Berna, for which a fixed tribute is paid by him through the agent to the Governor General in Bundlecund.

Ditto of raja Kisseree Sing, the raja of Jeytpore.

Ditto of raja Ruttun Sing, the raja of Bijawur.

Ditto of raja Teje Sing, the raja of Sindelah.

Ditto of raja Mohun Sing, the raja of Barounda.

The *jaghire* of Dewan Joogul Pershaud, the *jaghiredar* of Berree, &c.

The *jaghire* of Dewan Bunkut Rao, *jaghiredar* of Beyhit, &c. the son of Dewan Aperbul Sing, deceased.

The

The *jaghire* of Rao Punchum Sing, *jaghiredar* of Alleepoora, the son of Dewan Puratub Sing, deceased.
Ditto of Dewan Dheraj Sing, *jaghiredar* of Logassee, &c.
Ditto of Rao Perthee Sing, *jaghiredar* of Jeegnee, &c.
Ditto of Chobey Dereao Sing, *jaghiredar* of Paldeo, &c.
Ditto of Chobey Salligram, *jaghiredar* of Cusbah Poorwah, &c.
Ditto of Chobey Nawul Kishore, *jaghiredar* of Bhysont, &c.
Ditto of Chobey Chuttersaul, *jaghiredar* of Nowgong, &c.
Ditto of Chobey Gyapershaud, *jaghiredar* of Terrow, &c.
Ditto of Chobey Pokerpershaud, *jaghiredar* of Parwah, &c.
Ditto of Gopaul Laul, *jaghiredar* of Kamtah and Rajowlah.
Ditto of Takwoor Doorjun Sing, *jaghiredar* of Myher, &c.
Ditto of Lall Sheoraj Sing, *jaghiredar* of Oochar, &c.
Ditto of Lall Amaun Sing, *jaghiredar* of Sahawaul, &c.
Ditto of Lall Doonaput, *jaghiredar* of Kothee, &c.
Ditto of Rajahram Killadar, *jaghiredar* of Muneearrah, &c.
Ditto of Pursram Bahadar, *jaghiredar* of Khuddee, &c.
Ditto of Koor Juggut Sing, *jaghiredar* of Neyah Gong, &c. son of Luchmun Lungrah, deceased.
Ditto of Dewan Bahadar Gopaul Sing, *jaghiredar* of Gudrautee, &c.

But such chieftains or *jaghiredars* acquiring any other villages or lands, to be amenable as other native subjects in regard to all acts done therein.

Provided however, that in cases in which any of the said chieftains or *jaghiredars*, or their successors, may have acquired, or may hereafter acquire, any other villages or lands situated within the limits of the British possessions, than the territories and *jaghires* above specified, they shall, in common with all other native British subjects, be considered amenable to the jurisdiction of the established courts of judicature, and subject to the operation of the general regulations, in regard to all acts done by them in the said villages and lands which they may respectively possess.

The *jaghire* of the late killadar of Kalenger, annexed to the *zillah* of Bundlecund.

III. The portion of the lands constituting the *jaghire* of the late killadar of Kalenger, which has been ceded to the British Government, is hereby annexed to the *zillah* of Bundlecund.

The regulations established for Bundlecund, declared to be in force in the above-mentioned *jaghire*, subject to certain limitations as to the period of cognizance of crimes or civil suits.

IV. The laws and regulations established for the internal administration of the *zillah* of Bundlecund, are hereby declared to be in full force and effect in the lands specified in the preceding section: provided however, that nothing herein contained shall be constructed to authorize the magistrate or the courts of criminal judicature, to take cognizance of any crime or offence committed in any part of the said lands, previously to the 19th of June 1812, being the date of the engagement under which they were ceded to the British Government: provided likewise, that the courts of civil judicature shall not be deemed competent to take cognizance of any civil suit, if the cause of action shall have arisen previously to the 19th of June 1800, being a period of twelve years antecedent to the cession, as above specified.

A. D. 1814. REGULATION XIII.

A REGULATION *for the Abolition of the Office of Cutwal in the Cities of Dacca, Patna, and Moorshedabad.*—PASSED *by the Governor General in Council, on the* 10*th June* 1814; *corresponding with the* 29*th Jeyte* 1221 *Bengal era; the* 7*th Assar* 1221 *Fussily; the* 30*th Jeyte* 1221 *Willaity; the* 7*th Assar* 1871 *Sumbut; and the* 20*th Jummadi-us-Sanee* 1229 *Higeree.*

WHEREAS Regulation XXII. of 1793, contains rules for the appointment of a native officer, under the designation of *cutwal,* in each of the cities of Dacca, Patna, and Moorshedabad; and whereas there appears reason to believe, that the continuance of the office of *cutwal* is unnecessary, and in some respects prejudicial to the maintenance of an efficient police in the aforesaid cities; the following rules have been enacted, to be in force from the date of their promulgation. Preamble.

II. Such parts of Sections 26, 28, 29, 31, 32, 34, 36, 38, and 39, Regulation XXII. of 1793, or of any other rules now in force, as define the duties of the *cutwal* in the cities of Dacca, Patna, and Moorshedabad, are hereby rescinded. Parts of Regulation XXII. of 1793, and other existing rules which define the duties of the *cutwal* in the cities of Dacca, Patna, and Moorshedabad, rescinded.

III. The office of *cutwal* in the cities of Dacca, Patna, and Moorshedabad is hereby abolished. The office of *cutwal* in Dacca, Patna, and Moorshedabad abolished.

A. D. 1814. REGULATION XIV.

A REGULATION *for forming the Zillah of the 24-Pergunnahs into two distinct Jurisdictions.*—PASSED *by the Governor General in Council, on the* 14*th June* 1814; *corresponding with the* 1st *Assar* 1221 *Bengal era; the* 11*th Assar* 1221 *Fussily; the* 2d *Assar* 1221 *Willaity; the* 11*th Assar* 1871 *Sumbut; and the* 24*th Jummud-us-Sanee* 1229 *Higeree.*

Preamble.

WHEREAS it has been judged essential, on account of the great and increasing population of the suburbs of Calcutta, and with reference to certain arrangements which have been adopted for the more effectual support of the police in the city of Calcutta, that the district of the 24-Pergunnahs should be divided into two distinct jurisdictions, the following rules have been enacted, to be in force from the 1st August next.

The places comprised in the jurisdiction of the judge and magistrate of the 24-Pergunnahs formed into two distinct *zillahs.*

How to be denominated.

II. The places at present comprised in the jurisdiction of the judge and magistrate of the 24-Pergunnahs shall, from the date specified in the preamble to this regulation, be formed into two *zillahs;* one *zillah* to be denominated the suburbs of Calcutta, and the other, the 24-Pergunnahs beyond the suburbs of Calcutta.

The suburbs of Calcutta to consist of what *thanas.*

III. *First.* The suburbs of Calcutta shall consist of the *thanas* of Chitpore, Manicktullah, Tazeerhaut, Nowhazarry, and Sulkeeah.

The 24-Pergunnahs to consist of what *thanas* and places.

Second. The 24-Pergunnahs shall consist of all the *thanas* and places at present included in the district so called, with exception to the *thanas* specified in the preceding clause.

Reservation of power to the Governor General in Council for making any alterations in the abovementioned *zillahs,* when deemed expedient.

Third. Provided, however, that nothing herein contained shall be construed to prevent the Governor General in Council from making any alteration in the limits of the said *zillahs,* or of any of the *zillahs* adjacent, conformably to the powers usually exercised by the Government in cases of that nature, which may at any time be deemed necessary or expedient.

A. D. 1815. REGULATION V*.

A REGULATION *for suspending the Operation of the existing Regulations in that Part of the District of Midnapore, commonly known under the Denomination of the Pergunnah of Bogree.*—PASSED *by the Governor General in Council, on the 29th December* 1815; *corresponding with the 15th Poose* 1222 *Bengal era; the 13th Poose* 1223 *Fussily; the 16th Poose* 1223 *Willaity; the 14th Poose* 1872 *Sumbut; and the 27th Mohurrum* 1231 *Higeree.*

Preamble.

THE pergunnah *of Bogree in the district of Midnapore has been long infested by bands of plunderers, who have, at various periods, since the first annexation of that* pergunnah *to the British territories, openly resisted the authority of Government, and have committed the most atrocious acts of violence and outrage. Although such measures as were consistent with the principles and provisions of the existing regulations have, from time to time, been adopted by Government and by the local authorities, with a view to the establishment of good order and permanent tranquillity in the* pergunnah *of Bogree, the attainment of that important object has been frustrated by peculiar obstacles arising from the nature of the country, the character of the inhabitants, and other special and local difficulties. The failure of all measures hitherto adopted under the existing laws to restore tranquillity; the increasing prevalence of disorders which, if not speedily suppressed, may extend to the neighbouring* jungle *estates in Midnapore, Burdwan, and the Junglemehals, and the continued resistance opposed to the authority of Government, have at length rendered it necessary that the ordinary functions of the courts of civil and criminal justice, and the operation of the general regulations should, for the present, be suspended in that part of the district of Midnapore, commonly known under the denomination of the* pergunnah *of Bogree; and that a commissioner should be deputed to that* pergunnah *for the purpose of exercising such powers and of discharging such functions and duties as may be specially entrusted to him, under the instructions of the Governor General in Council, with a view to the collection of the rents, the establishment of a regular police, and the restoration of public order and tranquillity. The Governor General in Council has accordingly enacted as follows:*

The operation of the existing regulations declared to be suspended in the pergunnah *of Bogree in* zillah *Midnapore, from the 25th of January 1816, to the date on which this regulation may be repealed.*

II. From and after the 25th of January 1816, *corresponding with the* 13th *Maug* 1222 *Bengal era; the* 10th *Maug* 1223 *Fussily; the* 14th *Maug* 1223 *Willaity; the* 11th *Maug* 1872 *Sumbut; and the* 24th *Suffer* 1231 *Higeree, the ordinary functions of the courts of civil and criminal justice, and of the constituted revenue authorities, as well as the operation of the whole of the existing regulations, shall be suspended within the* pergunnah *of Bogree, and shall continue to be so suspended until this regulation shall be formally rescinded by another regulation, printed and published in the manner prescribed by Regulation XLI.* 1793.

A commissioner to be deputed to Bogree, to act under the instructions

III. A commissioner shall be deputed to the pergunnah *of Bogree, who shall exercise such powers as may be entrusted to him by Government, and shall be guided in the discharge*

* The whole of this regulation is rescinded by Section 2, Regulation IX. 1817.

of the Governor General in Council.

of his duties and functions by the special orders and instructions of the Governor General in Council.

Certain persons now confined in the jail of Midnapore, charged with offences in Bogree, and who have not yet been tried or committed to take their trial, to be transferred to the custody of the commissioner in Bogree.

IV. Such persons as may be now detainad in confinement in the jail of Midnapore, charged with offences committed in the pergunnah *of Bogree, or suspected of having been concerned with the* chooars *of that* pergunnah, *in the commission of crimes, and who may not yet have been tried, or committed to take their trial before the court of circuit, shall be transferred to the charge of the commissioner in Bogree.*

This regulation not to affect the sentence of the court of circuit or Nizamut Adawlut, in cases depending in those courts, before the 25th of January 1816.

V. Nothing in this regulation shall be construed to affect the sentence of the court of circuit, or court of Nizamut Adawlut, in any case which may be depending before either of these courts, on or before the 25th of January, 1816.

And those courts competent to try, in the ordinary mode, any individual who may be committed for trial by the commissioner for crimes perpetrated before or during the operation of this regulation.

VI. It shall further be competent to the court of circuit and court of Nizamut Adawlut to try any person, whom the commissioner in Bogree, under the instructions of Government, may commit for trial, on the charge of any crime perpetrated before or during the operation of this regulation. In all such cases, the court of circuit and court of Nizamut Adawlut shall be guided by the general regulations in force.

A. D. 1816. REGULATION III.

A REGULATION *for rescinding Regulation XII.* 1808.—Passed *by the Governor General in Council, on the* 12*th January* 1816; *corresponding with the* 29*th Poose* 1222 *Bengal era; the* 27*th Poose* 1223 *Fussily; the* 1*st Maug* 1223 *Willaity; the* 12*th Poose* 1872 *Sumbut; and the* 11*th Suffer* 1231 *Higeree.*

Preamble.

WHEREAS the settlement of Serampore has, in conformity with the provisions of the Treaty of Peace and Amity, concluded on the 14th January 1814, between His Majesty the King of Great Britain and Ireland, and His Majesty the King of Denmark, been restored to the latter power, it is deemed proper to rescind the rules and regulations enacted by the Governor General in Council for the administration of civil and criminal justice at Serampore, whilst that settlement remained under the British Government; the Governor General in Council has accordingly been pleased to enact as follows:

Regulation XII. 1808, and other rules in force in Serampore, rescinded.

II. Regulation XII. 1808, and such other provisions of the existing regulations as relate to the administration of civil and criminal justice in the settlement of Serampore, are hereby rescinded.

A. D. 1816. REGULATION XI.

A REGULATION *for receiving, trying, and deciding Claims to the Right of Inheritance or Succession, in certain tributary Estates in Zillah Cuttack.*—PASSED *by the Governor General in Council, on the* 10*th May* 1816; *corresponding with the* 29*th Bysaak* 1223 *Bengal era; the* 28*th Bysaak* 1223 *Fussily; the* 30*th Bysaak* 1223 *Willaity; the* 14*th Bysaak* 1873 *Sumbut; and the* 11*th Jumadee-us-Sanee* 1231 *Higeree.*

Preamble.

WHEREAS it is necessary that provision should be made for receiving, trying, and deciding claims to the right of inheritance or succession in certain tributary estates in *zillah* Cuttack, which were excepted, by Section 11, Regulation XIV. 1805, from the operation of the general rules for the administration of civil justice, established in the provinces of Bengal, Behar, and Orissa; and whereas the nature of the tenures by which those estates are held, the character of the inhabitants, and other local circumstances, render it expedient that the estates in question should not be subject to partition, but should descend entire and undivided, to the persons respectively having the most substantial claim according to local and family usage; the following rules have been enacted, to be in force from the date of the promulgation of this regulation, in *zillah* Cuttack.

Claims to the right of inheritance or succession to certain tributary estates in Cuttack, how to be tried.

II. All claims to the right of inheritance, or succession, to any of the undermentioned tributary estates, are to be heard, tried, and determined, in the first instance, by the superintendent of the tributary *mohauls* in *zillah* Cuttack.

Killah Neelgery,
Ditto Bankey,
Ditto Joormoo, *alias* Duspullah,
Ditto Nursingpore,
Ditto Angole,
Ditto Talcher,
Ditto Autgurh,
Ditto Keonjur,
Ditto Kindeaparah,
Ditto Neahgurh,
Ditto Rampore,
Ditto Hindole,
Ditto Teegereah,
Ditto Burumbah,
Ditto Dekenal,
The Territory of Mohurbunge.

On what laws and usages such claims are to be decided.

Proviso.

III. The superintendent, in deciding cases of the above nature, shall be generally guided by the established laws and usages of the respective tributary estates. Provided, however, that the estates above enumerated, shall in no case be considered liable to be divided according

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ing to the Hindoo law, but shall descend entire to the person having the most substantial claim according to local and family usage.

Suits not cognizable, if the cause of action arose before the 14th of October 1803.

IV. Thesu perintendent is prohibited from taking cognizance of any suit, the cause of action in which shall have arisen antecedent to the 14th day of October 1803, the date on which the fort and town of Cuttack were surrendered to the British arms.

The pleaders of the civil court are to attend the superintendent's court, and entitled to fees.

V. The established pleaders of the *zillah* court, shall attend the superintendent's court, to be held in the court-house of the *zillah adawlut*; and they shall receive the same fees as are authorized on the pleading of causes in the *zillah* courts; subject of course to the prescribed rules in the cases of paupers.

The Hindoo law officer of the *zillah* court is to expound the Hindoo law when requisite.

VI. The Hindoo law officer of the *zillah* court is to expound the Hindoo law, in all cases wherein it may be requisite for the due determination of causes pending before the superintendent.

Rules regarding the issuing of processes by the superintendent.

VII. All processes, issued in suits instituted under this regulation, shall bear the official seal and signature of the superintendent; and shall be executed by the officers on his establishment, in like manner as all similar processes issued by the judge of the *zillah* court are executed; and any disobedience and resistance to his process shall be liable to a fine to Government to be fixed by the superintendent, subject to the confirmation of the court of Sudder Dewanny Adawlut; or, if the offender be a landholder or *sudder* farmer, and the case appear to call for it, by a confiscation of his estate or farm; commutable to a fine by the Sudder Dewanny Adawlut, or Governor General in Council.

Penalty for resistance of process.

Rule to be observed by the superintendent in the trial of all suits instituted under this regulation.

VIII. In the trial of all suits instituted under this regulation, the superintendent shall be guided by the general rules prescribed for the trial of civil causes, before the judges of the *zillah* courts, subject to the special provisions contained in this regulation, or in points not specially provided for, to any qualification of the general rules, which may be found expedient, and may be sanctioned by the court of Sudder Dewanny Adawlut.

Stampt paper shall not be required in these suits.

IX. It shall not be requisite to use stampt paper for the plaints, pleadings, decrees, or any papers relative to suits instituted under this regulation, nor shall any *durkhaust* on stampt paper be required for the admission of exhibits, or the issue of summonses to witnesses, in such suits, when tried in the first instance, or in appeal.

Deposit to be made on account of the pleader's fee

Exception in cases of paupers.

X. When the plaintiff or defendant may appoint a pleader, to prosecute or defend a suit, under this regulation, he shall deposit in the court a sum equal to the amount of the pleader's fee, unless from the oath, or solemn declaration of the party, or from the evidence of two credible witnesses, the superintendent shall be satisfied of the inability of the plaintiff, or defendant to make such deposit; in which case he shall be admitted as a pauper, and the stated deposit shall not be required.

An appeal may be made from the superintendent's decision to the Sudder Dewanny Adawlut.

XI. In all suits decided and orders passed by the superintendent under this regulation, an appeal from his decisions and orders shall lie to the court of Sudder Dewanny Adawlut, provided that the petition of appeal be preferred within three months after the decree or order appealed from, shall have been passed.

Rules to be observed on admitting a petition of appeal.

XII. The petition of appeal shall be presented to the superintendent, and shall contain a full and explicit statement of the appellant's objections to the decree or order from which he is desirous to appeal. The appellant, if not admitted as a pauper under Section 10, shall at the same time tender good security for the payment of any costs which may be adjudged on the determination of the appeal by the Sudder Dewanny Adawlut, or if unable to give such security, shall make oath or subscribe a solemn declaration to his inability, or adduce two creditable persons to prove the same.

Duty of the superintendent on receipt of a petition of appeal.

XIII. On receipt of the petition of appeal, with the prescribed security, or proof of inability required in failure thereof, the superintendent shall cause a copy to be made of the decree or order from which the appeal may be required, and within fifteen days shall certify and transmit the same, with the petition of appeal, to the court of Sudder Dewanny Adawlut.

Course to be pursued if the petition of appeal

XIV. *First.* When the court of Sudder Dewanny Adawlut may admit the appeal, they will cause a precept to be issued under the seal of the court, and the signature of the register

register addressed to the superintendent, requiring him, within such period as may be limited by the precept, to furnish a complete record of all papers received, and proceedings held in the case; and also to call upon the respondent or respondents for his or their answer, or to appear in person or by *vakeel*, within a certain time before the Sudder Dewanny Adawlut, and deliver his or their answer to that court.

be admitted by the Sudder Dewanny Adawlut.

Second. The superintendent on receipt of the precept shall comply with the exigency thereof, as required; or in the event of his not being able to carry the same into complete execution within the prescribed period, shall certify the same to the court of Sudder Dewanny Adawlut, with notice of the period within which a further return will be made.

The superintendent to comply with the exigency of precepts of the Sudder Dewanny Adawlut.

XV. It shall be optional with appellants and respondents, in appeals to the Sudder Dewanny Adawlut, under this regulation, to attend in person or by *vakeel* for the prosecution or defence of their appeals before that court; or to deliver their proceedings to the superintendent of the tributary *mohauls*, who in the latter case, shall forward them, as soon as received, to the Sudder Dewanny Adawlut, and communicate to the parties any orders which may be issued by that court.

The parties may plead their own causes in appeal, or may appoint *vakeels*, or may deliver their proceedings to the superintendent of the tributary *mohauls*. Duty of the superintendent in such cases.

XVI. In cases wherein it may appear to the court of Sudder Dewanny Adawlut, that the cause in appeal has not been suffiiecntly investigated, and consequently that further evidence is required for the just determination of it, that court is empowered to refer the cause back for further trial and judgment to the superintendent, or to direct that further evidence be taken and transmitted to the court.

The Sudder Dewanny Adawlut may either refer the cause back to the superintendent, or direct further evidence.

XVII. The provisions contained in Section 3, by which the decisions passed by the superintendent are to be governed, shall be considered equally applicable to the decisions of the Sudder Dewanny Adawlut, in all appeals under this regulation.

The provisions of Section 3, declared applicable to the decisions passed by the Sudder Dewanny Adawlut.

XVIII. The principles of the several provisions contained in Sections 4, 5, 6, 8, 9, and 10. of this regulation, shall also be considered applicable to all appeals from decisions or orders of the superintendent of the tributary *mohauls* in *zillah* Cuttack, which may come before the court of Sudder Dewanny Adawlut.

Also the principles of Sections 4, 5, 6, 8, 9, and 10, of this regulation.

XIX. *First.* In cases of appeal to the Sudder Dewanny Adawlut from any decree or order of the superintendent involving a transfer of property, or any change in the actual possession of property, the decree or order appealed from, shall not be carried into execution during the appeal to that court, provided the appellant shall give good and sufficient security for the performance of the final decision which may be passed upon the appeal; and in no instance shall the superintendent cause to be carried into execution any such decree or order passed by him, until the period allowed for the appeal may have elapsed.

The execution of the decree passed by the superintendent to be postponed if the appellant shall give sufficient security.

Second. In the event of the appellants not giving security for staying the execution of the decree appealed from, and of its being consequently put into execution whilst an appeal is pending, good and sufficient security shall be taken from the respondent for the performance of the final decision which may be passed upon the appeal.

If appellant fail to give security, the decree shall be executed, provided the respondent gives sufficient security.

Third. In case neither party shall be able to give the requisite security, the estate in dispute shall be attached by order of the superintendent, until the security required shall be received, or until the final determination be passed by the Sudder Dewanny Adawlut upon the case.

In case neither party shall be able to give the requisite security, the estate in dispute shall be attached.

Fourth. No decree or order whether of the superintendent of the tributary *mohauls*, or of the Sudder Dewanny Adawlut, involving a transfer of the property or an actual change in the possession of any of the estates enumerated in Section 2. of this regulation, shall be carried into execution, without a previous communication being made by the Sudder Dewanny Adawlut to Government; in order that sufficient time may be afforded for the adoption of any precautionary measures which may be eventually judged requisite to support, and enforce the execution of the decree or order without hazard to the public tranquillity.

Previous to the execution of any decree whether of the superintendent or of the Sudder Dewanny Adawlut, a communication must be made to Government.

XX. *First.* The judgments of the Sudder Dewanny Adawlut shall be final and conclusive in all appeals heard and determined by that court under this regulation, within the

To what amount the decisions of the Sudder

Dewanny Adawlut shall be considered final.

limitation of appeals to the King in Council, prescribed by the statute 21 George III. Cap. LXX. Section 21, viz. five thousand pounds, or Sicca Rupees 43,103.

An appeal to the King in council may be made in certain cases, and shall be received by the Sudder Dewanny Adawlut.

Second. If the amount or value adjudged shall, exclusive of costs of suit, exceed the sum of £5,000 or Sicca Rupees 43,103, a further appeal will be open to His Majesty in Council; and shall be received by the Sudder Dewanny Adawlut, under the provisions which have been enacted for receiving such appeals in Regulation XVI. 1797.

A. D. 1816. REGULATION XVIII.

A REGULATION *for annexing to the Zillah of Allahabad the Pergunnah of Handya, formerly composing a part of the Territories of His Excellency the Nawaub Vizier.*—PASSED *by the Governor General in Council, on the* 16*th August* 1816; *corresponding with the* 2*d Bhadoon* 1223 *Bengal era; the* 8*th Bhadoon* 1223 *Fussily; the* 3*d Bhadoon* 1223 *Willaity; the* 8*th Bhadoon* 1873 *Sumbut; and the* 21*st Ramzaan* 1231 *Higeree.*

Preamble.

WHEREAS the *pergunnah* of Handya has been ceded to the Honorable the East India Company in full sovereignty by His Excellency the Nawaub Vizier, and whereas it has been judged advisable to annex that *pergunnah* to the district of Allahabad; the following rules have been enacted, to be in force from the period of their promulgation.

The *pergunnah* of Handya annexed to Allahabad, and the existing laws and regulations extended to that *pergunnah*. Subject to the following provisions.

II. The *pergunnah* of Handya shall be annexed to the district of Allahabad, and the laws and regulations established for the internal administration of that district, are hereby declared to be in full force and effect in *pergunnah* Handya, subject however to the provisions contained in the following sections.

Civil courts prohibited from taking cognizance of suits, if the cause of action shall have arisen previously to the 1st of May 1804.

III. The courts of civil judicature shall not be deemed competent to take cognizance of civil claims in *pergunnah* Handya, the cause of action in which may have originated previously to the 1st of May 1804, being a period of twelve years antecedent to the cession of that *pergunnah*.

Criminal courts prohibited from taking cognizance of offences committed previously to the 1st May 1816.

IV. *First.* The courts of criminal judicature are hereby prohibited from taking cognizance of any crime or offence which may have been committed in any part of the said *pergunnah* previously to the 1st of May 1816, being the date of the treaty between the British Government and His Excellency the Vizier, under which the said *pergunnah* was ceded to the Honorable the East India Company.

Such of the regulations in force as increase the punishments prescribed by the Mahomedan law, declared inapplicable to offences committed in Handya between the 1st of May 1816, and the promulgation of this regulation.

Second. No part of the regulations in force, by which the punishment of any offence is enhanced beyond the punishment prescribed for such offence by the Mahomedan law, shall be considered applicable to any crime or offence committed within *pergunnah* Handya between the 1st of May 1816, and the period of the promulgation of this regulation.

But such of the regulations as modify or commute in favour of the prisoner the punishments prescribed by the Mahomedan law, declared applicable to offences committed in Handya within the period above mentioned.

Third. The provisions of the regulations in force, by which the penalties prescribed by the Mahomedan law for the punishment of crimes and offences, have been modified in a manner favourable to the prisoner, either by directing a commutation of the punishment of amputation to imprisonment, or otherwise, shall nevertheless be considered applicable to individuals who may be convicted of having committed offences in *pergunnah* Handya, between the 1st of May 1816, and the period of the promulgation of this regulation.

Power reserved to the Governor General in Council of fixing the periods for the formation of the settlement of the land revenue

V. The Governor General in Council reserves to himself the power of fixing the periods, for which the settlement of the land revenue shall from time to time be formed in the said *pergunnah* according as local circumstances may appear to require, adhering however as nearly as practicable, to the principles established for the settlement generally of the lands in the territories ordinarily denominated the ceded and conquered provinces.

A. D. 1817. REGULATION IV.

A REGULATION *for annexing to the Zillah of Seharunpore, the Tract of Country called Deyra Doon, formerly composing a Part of the Territories of the Raja of Nepaul.*—PASSED *by the Governor General in Council, on the 28th February* 1817; *corresponding with the 18th Phaugun* 1223 *Bengal era; the 26th Phaugun* 1224 *Fussily; the 19th Phaugun* 1224 *Willaity; the 12th Phaugun* 1873 *Sumbut; and the 11th Rubee-us-Sanee* 1232 *Higeree.*

Preamble.

WHEREAS the tract of country called Deyra Doon, heretofore forming a part of Gurhwal, has been ceded to the Honorable the East India Company, in full sovereignty by the Raja of Nepaul, and whereas it has been judged advisable to annex that tract of country to the district of Seharunpore, the following rules have been enacted, to be in force from the period of their promulgation.

The tract of country called Deyra Doon, to be annexed to Seharunpore, and the existing laws and regulations extending to that tract of country.

Subject to the following provisions.

II. The tract of country called Deyra Doon, heretofore forming a part of Gurhwal, shall be annexed to the district of Seharunpore, and shall be considered subject in all matters of police and criminal jurisdiction to the magistrate of the northern division of Seharunpore; and in all matters of a civil nature to the jurisdiction of the* dewanny adawlut *of that district. The laws and regulations established for the internal administration of the ceded and conquered provinces, are hereby declared to be in full force and effect in the Deyra Doon, subject however to the provisions contained in the following sections.*

Civil courts prohibited from taking cognizance of suits, if the cause of action shall have arisen previously to the 15th May, 1803.

III. The courts of civil judicature shall not be deemed competent to take cognizance of civil claims in the Deyra Doon, the cause of action in which may have originated previously to the 15th of May 1803, being a period of twelve years antecedent to the date of the convention, by which that tract of country was surrendered to the British Government.

Criminal courts prohibited from taking cognizance of offences committed previously to the 15th May, 1815.

IV. *First.* The courts of criminal judicature are hereby prohibited from taking cognizance of any crime or offence, which may have been committed in any part of the Deyra Doon, previously to the 15th of May, 1815, being the date of the convention by which the said tract of country was surrendered to the Honorable the East India Company.

Certain provisions of the regulations in force declared inapplicable to offences committed in the Deyra Doon, between the 15th May, 1815, and the promulgation of this regulation.

Second. No part of the regulations in force, by which the punishment of any offence may be enhanced beyond the punishment prescribed for such offence, according to the existing laws and usages of the territory in question, shall be considered applicable to any crime or offence committed within the Deyra Doon, between the 15th of May 1815, and the period of the promulgation of this regulation.

Provisions of the criminal regulations which may be favourable to the prisoner, to be applicable to such cases.

Third. In cases, however, in which the penalties established by the existing regulations, may appear to be more lenient than those to which the offenders would have been subject under the pre-existing laws and usages of the Doon, such offender shall nevertheless have the benefit of the provisions now established, supposing the offences to have been committed between the 15th of May 1815, and the period of the promulgation of this regulation.

* This section is rescinded by Section 2, Regulation XXI. 1825.

Power reserved to the Governor General in Council of fixing the periods for the formation of the settlement of the land revenue.

V. The Governor General in Council reserves to himself the power of fixing the periods, for which the settlement of the land revenue shall from time to time be formed in the Deyra Doon, according as local circumstances may appear to require, adhering however as nearly as practicable, to the principles established for the settlement generally of the lands in the territories ordinarily denominated the ceded and conquered provinces.

A. D. 1817. REGULATION IX.

A REGULATION *for rescinding Regulation V.* 1815.—PASSED *by the Vice-President in Council, on the* 22*d July* 1817; *corresponding with the* 8*th Sawun* 1224 *Bengal era; the* 24*th Sawun* 1224 *Fussily; the* 9*th Sawun* 1224 *Willaity; the* 9*th Sawun* 1874 *Sumbut; and the* 7*th Rumzaan* 1232 *Higeree.*

Preamble.

THE objects contemplated by Government in enacting Regulation V. 1815, having been successfully accomplished, by the restoration of public order and tranquillity in *pergunnah* Bogree, in *zillah* Midnapore, and by the apprehension and conviction on trial by the court of circuit and Nizamut Adawlut of the criminals, principally concerned in resisting the authority of Government, and in the commission of acts of violence and outrage, the necessity which existed for suspending the operation of the general regulations within the limits of that *pergunnah*, no longer exists; the Vice-President in Council has accordingly been pleased to enact the following rule, to take effect from the date of this regulation.

Regulation V. 1815, rescinded.

II. Regulation V. 1815, is hereby rescinded.

A. D. 1817. REGULATION X.

A REGULATION *for the Trial of Persons charged with the Commission of certain heinous Offences in Kumaoon and other Tracts of Territory, ceded to the Honorable the East India Company by the Raja of Nepaul, and subject to the British Government.*—PASSED *by the Vice-President in Council, on the* 22d *July* 1817 ; *corresponding with the 8th Sawun* 1224 *Bengal era ; the 24th Sawun* 1224 *Fussily ; the 9th Sawun* 1224 *Willaity ; the 9th Sawun* 1874 *Sumbut ; and the 7th Ramzaan* 1232 *Higeree.*

Preamble.

OF the territories ceded to the British Government by the Raja of Nepaul, under the treaty of peace concluded on the 2d day of December 1815, many portions have been since restored to the native chiefs, to whose authority they were formerly subject, or have been transferred to the independent authority of other native chieftains or powers. The portions of territory ceded by the Raja of Nepaul, which have been retained under the authority and dominion of the British Government, are as follows: viz.

1st. The tract of country called Deyra Doon, heretofore forming a part of Gurhwal.

2d. The province of Kumaoon.

3d. Jounsar, Bawur, Poondur and Sundokh, and other small tracts of country situated between the rivers Jumna and Sutlege. By the provisions of Regulation IV. 1817, the tract of country denominated Deyra Doon, has been formally annexed to the district of Seharunpore, and the laws and regulations in force in the latter district, have, with certain exceptions, been extended to the Deyra Doon: local circumstances however have rendered it inexpedient that a similar arrangement should at present be adopted in the province of Kumaoon, or in the reserved tracts of country situated between the rivers Jumna and Sutlege. The administration of the police, and of civil and criminal justice, with the management of the revenues, as well in Kumaoon, as in the several places last mentioned, is conducted by British officers, under instructions issued for their guidance by the Governor General in Council. Embarrassment however having been experienced in the several places above mentioned, from the want of a suitable tribunal for the trial of prisoners charged with offences of a heinous nature, the Vice-President in Council, with a view to provide for the due and deliberate investigation of charges of that nature, has been pleased to enact the following rules, to be in force from the period of their promulgation.

The British officers in charge of Kumaoon and other tracts of country ceded by the Raja of Nepaul, not to award punishment against offenders charged with certain crimes of a heinous nature.

II. The British officers who now are, or hereafter may be invested with the charge and superintendence of the police, and with the administration of criminal justice in the province of Kumaoon, or in the several reserved tracts of territory situated between the rivers Jumna and Sutlege, are hereby prohibited from awarding punishment against any persons charged before them with having been concerned either as principals, or as accomplices, in the commission of the following offences, viz. murder, or any species of homicide, not manifestly accidental or justifiable; robbery by open violence, as defined in Section 3, Regula- tion

tion LIII. 1803; violent affrays attended with serious casualties or circumstances of aggravation; treason, or rebellion against the state.

Such offenders how to be proceeded against.

III. If any person, subject to the jurisdiction of the British officers above alluded to, whether from local residence, or from the perpetration of a criminal act within the limits of the British territory under their respective superintendence, shall, on due and careful investigation, appear to have been concerned either as a principal or as an accomplice in the commission of any of the crimes above-mentioned, such person shall be kept in close custody, and shall be committed to take his trial before a commissioner, to be nominated and appointed for that purpose by the Governor General in Council.

Commissioner to be appointed by Government.

IV. It shall be the duty of the local officer, immediately on making the commitment, to report the circumstance to the Governor General in Council, who will take the necessary measures for nominating an experienced judicial officer as commissioner to hold trials of this nature, at such time and place as may appear proper, in each instance, or at such stated periods as may be found convenient.

Powers vested in the commissioner.

V. In the conduct of the trial, the commissioner will exercise the same powers as are vested in judges of circuit, and will be guided by the spirit and principles of the regulations in force, in the ceded and conquered provinces; provided, however, that it shall not be necessary that any law officer should attend the trial, or that any *futwa* should be required in such cases.

Commissioner authorized to release the prisoner if not convicted.

VI. If the commissioner should be of opinion, that the crime charged against the prisoner is not established by the evidence, he shall issue his warrant for the release of the prisoner.

Commissioner to refer the case to the court of Nizamut Adawlut, if the charge be proved.

VII. If the commissioner shall consider the crime charged against the prisoner to be established, he shall either refer the case for the final sentence of the court of Nizamut Adawlut, or, if the case be within the competence of judges of circuit, under the regulations in force in the ceded and conquered provinces, he shall issue his warrant for the punishment of the criminal.

With a report and the proceedings on the case.

VIII. If the case shall be referred to the Nizamut Adawlut, it shall be the duty of the commissioner to forward to that court, a full report of the case, together with his own proceedings, and those of the officer by whom the commitment may have been made.

Court of Nizamut Adawlut to pass their final sentence.

IX. On receipt of the proceedings, the court of Nizamut Adawlut will, without requiring any *futwa* from their law officers, pass such sentence or order as, on due consideration, they may deem proper and consistent with the spirit and principles of the regulations in force in the ceded and conquered provinces.

Sentence how to be carried into effect.

X. The sentence of the Nizamut Adawlut, whether for the release or punishment of the prisoners, shall be issued through the channel of the commissioner who may have held the trial, and shall be duly enforced by the local British officer by whom the commitment may have been made, or who may at the time be entrusted with the management of the local police.

In what cases the local officers may take cognizance of crimes committed within the territories of independent states or chieftains.

XI. *First.* Whenever a native subject of the British Government, charged with having been concerned in the commission of a criminal offence within the territories of any independent state, or chieftain, situated in the vicinity of Kumaoon, or of the reserved tracts of country between the Jumna and Sutlege rivers, shall be apprehended by, or shall be delivered up to, the British officers invested with the charge of the police in those places respectively: the officers in question shall be deemed competent to investigate the charge, and to release or punish the accused under the general powers vested in them by the Governor General in Council.

The rules contained in certain sections of this regulation, to be considered applicable to such cases.

Second. Provided however, that if the charge shall be of the nature of any of those described in Section 2. of this regulation, the local officers shall proceed in the manner directed in Sections 3. and 4. of this regulation, and the commissioner who may be appointed to hold the trial, as well as the court of Nizamut Adawlut, shall in such cases be guided by the provisions of Sections 5, 6, 7, 8, 9, and 10. of this regulation.

Crimes committed previously to the 15th May

XII. It shall not be competent to the local officers intrusted with the administration of criminal justice in Kumaoon, and in the several reserved tracts of territory situated between the

the rivers Jumna and Sutlege, or to any commissioners who may be appointed under this regulation, or to the Nizamut Adawlut, to take cognizance of any crime or offence which may have been committed in any part of the tracts of country above adverted to, previously to the 15th May 1815, being the date of the convention by which they were surrendered to the Honorable the East India Company.

1815, not cognizable by British officers.

XIII. No part of the regulations in force in the ceded and conquered provinces, by which the punishment of the crimes specified in Section 2. of this regulation, may be enhanced beyond the punishment ordinarily inflicted for such crimes, according to the former laws and usages in force in those tracts of country, shall be considered applicable to persons convicted of having committed those crimes previously to the promulgation of this regulation.

Sentence how to be regulated with regard to offences committed between the 15th May 1815, and the period of the promulgation of this regulation.

XIV. In cases however in which the penalties established by the regulations in force in the ceded and conquered provinces, for murder or other species of homicide; robbery by open violence; violent affrays attended with serious casualties or circumstances of aggravation; or for treason and rebellion against the state; may appear to be more lenient than those to which the offenders would have been subjected under the pre-existing laws and usages of Kumaoon, and of the reserved tracts of territory situated between the rivers Jumna and Sutlege, such offenders shall nevertheless have the benefit of the provisions now established, supposing the offences to have been committed between the 15th May 1815, and the period of the promulgation of this regulation.

The preceding note likewise applicable to this section.

A. D. 1817. REGULATION XXII*.

A REGULATION *for vesting the Judge and Magistrate of Cuttack with Power to remove and to appoint the native ministerial Officers on his Establishment, without a previous Reference to the Provincial Court of Appeal and Circuit for the Division of Calcutta.*—PASSED *by the Vice-President in Council, on the* 28*th October* 1817*; corresponding with the* 13*th Kautic* 1224 *Bengal era; the* 3*d Kautic* 1225 *Fussily; the* 14*th Kautic* 1225 *Willaity; the* 3*d Kautic* 1874 *Sumbut; and the* 16*th Zulhej* 1232 *Higeree.*

*Preamble.

CONSIDERATIONS *connected with the recent disturbances in Cuttack, have rendered it expedient that the officer discharging the functions of judge and magistrate of Cuttack should, for the present, be vested with authority to remove the native ministerial officers attached to the judicial establishment of that district, and to appoint individuals to succeed to vacant offices on his establishment, without applying for the previous sanction or confirmation of the provincial courts of appeal and circuit for the division of Calcutta; the following rules have accordingly been passed, to take effect from the promulgation of this regulation.*

Rules regarding the appointment, removal, and resignation of native judicial officers by the court of circuit, not to have effect in Cuttack.

II. First. *Such parts of the existing regulations as require that the provincial court of appeal and circuit shall confirm the appointment, removal, and resignation of certain native ministerial officers, including the record keepers,* moonsiffs, *and* sudder ameens *employed under the authority of the* zillah *and city judges and magistrates, shall not have effect in the* zillah *of Cuttack.*

The judge and magistrate of Cuttack vested with full power to remove, appoint, or to accept the resignation of such officers without the previous sanction of the provincial court.

Second. *The officer discharging the functions of judge and magistrate of Cuttack, is hereby vested with full authority to remove and appoint, or to accept the resignations of the officers above alluded to, without the previous sanction of the provincial court of appeal and circuit for the division of Calcutta.*

The whole of this is rescinded by Section 7, Regulation V. 1818.

A. D. 1818. REGULATION IV.

A REGULATION *for re-establishing the Dewanny Adawlut of the northern Division of Seharunpore.*—PASSED *by the Vice-President in Council, on the* 14*th April* 1818; *corresponding with the* 3*d Bysaak* 1225 *Bengal era; the* 23*d Chyte* 1225 *Fussily; the* 4*th Bysaak* 1225 *Willaity; the* 8*th Chyte* 1875 *Sumbut; and the* 7*th Jumadee-us-Sanee* 1233 *Higeree.*

Preamble.

WHEREAS the jurisdiction of the *dewanny adawlut* of the northern division of Seharunpore was abolished by Regulation XIV. 1806, and was incorporated with the jurisdiction of the *dewanny adawlut* of the southern division of Seharunpore; and whereas the annexation of the Deyra Doon to the northern division, and the recent transfer of a portion of the district of Allyghur to the southern division of Seharunpore, have augmented the local limits and the population of both those divisions, to an extent which interferes with the due administration of civil justice, and imposes on the inhabitants considerable hardships and difficulties; the Vice-President in Council, with a view to secure the due administration of civil justice, and to promote the convenience and prosperity of the inhabitants, has passed the following rules, to be in force from and after the 30th of June next ensuing, corresponding with the 17th Assaar 1225 Bengal era; the 12th Assaar 1225 Fussily; the 18th Assaar 1225 Willaity; the 12th Assaar 1875 Sumbut, and the 25th Shabaan 1233 Higeree.

The northern division of Seharunpore, constituted a separate civil as well as criminal jurisdiction.

II. *First.* From and after the 30th of June 1818, the northern division of Seharunpore shall constitute a separate civil as well as criminal jurisdiction, and the judge and magistrate of that division shall exercise the same powers as those vested by the regulations in the judges and magistrates of other *zillahs* in the ceded and conquered provinces.

The northern and southern divisions of Seharunpore how to be denominated.

Second. The northern division of Seharunpore shall henceforward be denominated the *zillah* of Seharunpore, and the southern division shall be denominated the *zillah* of Meerut.

Powers reserved to the Governor General in Council to determine the local limits of the *zillah* of Seharunpore.

Third. It shall be competent to the Governor General in Council, by an order in council, to determine the local limits of the *zillah* of Seharunpore, and to make such alterations in those limits as he may from time to time judge expedient.

A. D. 1818. REGULATION V.

A REGULATION *for the Appointment of a Commissioner, to be vested with special Powers in the Administration of Civil Affairs in Zillah Cuttack.*—PASSED *by the Vice-President in Council, on the 28th April* 1818; *corresponding with the* 17*th Bysaak* 1225 *Bengal era; the* 8*th Bysaak* 1225 *Fussily; the* 18*th Bysaak* 1225 *Willaity; the* 8*th Bysaak* 1875 *Sumbut; and the* 21*st Jumadee-us Sanee* 1233 *Higeree.*

Preamble.

WHEREAS considerations connected with the present state of the district of Cuttack, and with the nature of the disturbances which recently prevailed in various parts of that district, have rendered it expedient that a commissioner should be deputed for the temporary superintendence of the civil affairs of the said district; and whereas it is necessary, with a view to the prompt and effectual execution of the important duties assigned to the commissioner, that he should be vested with special powers, as well in the administration of civil and criminal justice, as in the superintendence of other local duties hitherto conducted by the Boards of Revenue and Trade; the Vice-President in Council has been pleased to enact the following rules, to be in force within the local limits of the district of Cuttack, from the date on which the commissioner may assume the charge of his office.

The powers hitherto exercised in Cuttack by the Boards of Revenue and Trade, the provincial court of Calcutta, and the local committee for superintending the embankments, are hereby suspended.

II. The provisions of the existing regulations, by which the Board of Revenue, the Board of Trade, the provincial court of appeal and circuit for the division of Calcutta, and the local committee for superintending the embankments, are respectively authorized or directed to exercise any powers or functions, or to discharge any duties in the administration of the civil affairs of the district of Cuttack, are hereby suspended.

A commissioner to be deputed to Cuttack, with special powers.

III. A commissioner shall be deputed to the district of Cuttack, who shall be authorized, from the date on which he may assume the charge of his office, to exercise and discharge the whole of the powers and duties heretofore exercised and discharged with regard to the affairs of that district, under the regulations in force by the Board of Revenue, by the Board of Trade, by the judges of the provincial court of appeal for the division of Calcutta, either individually or collectively, and by the judges of the court of circuit for the division of Calcutta, either individually or collectively, and by the local committee of embankments.

The judge of circuit now holding the jail delivery at Cuttack, to complete the duties of the present sessions.

The commissioner in Cuttack, to hold the future sessions of jail delivery of that district.

IV. The foregoing provisions shall not operate to prevent the judge of circuit, who is now holding the sessions of jail delivery of the *zillah* of Cuttack, from completing that duty under the regulations heretofore in force; but from and after the completion of the present sessions, the sessions of jail delivery of the *zillah* of Cuttack shall be held from time to time by the commissioner, at such periods as he may judge most expedient for the public service.

Civil suits depending in the provincial court of Calcutta to be transferred to the commissioner.

Civil suits may be tried by the commissioner, at any place within the limits of Cuttack.

V. *First.* The records of civil suits of every description, originating in the district of Cuttack, which may be depending before the provincial court for the division of Calcutta, whether in appeal from the decision of the *zillah* court of Cuttack, or instituted in the first instance in the provincial court, shall be transferred to the commissioner; and such cases, as well as all other civil cases coming under his cognizance, shall be investigated and decided by him, at any place or places situated within the limits of the district of Cuttack, under the same powers as are vested in the judges of the provincial court, either individually or collectively.

Second.

Second. The pleadings and the management of suits which may be brought under the cognizance of the commissioner in Cuttack, shall be conducted, either by the parties themselves, or by agents duly authorized by them for that purpose; and it shall not be requisite that any regular pleaders should be attached to the court of the commissioner, or that any duties in the court of the commissioner should be performed by such pleaders.

The pleadings and management of suits before the commissioner, are not required to be conducted by regular pleaders.

Third. The commissioner in Cuttack, shall be empowered to dispense with the rules contained in Sections 3, 4, 5, 6, and 7, Regulation XXVIII. 1814, in all instances in which he may judge it expedient to permit persons to sue, either in his own court, or in the *zillah* court of Cuttack, as paupers, without requiring such persons to fulfil the conditions specified in those sections.

The commissioner empowered to dispense with the rules contained in Sections 3, 4, 5, 6, and 7, Regulation XXVIII. 1814.

Fourth. The commissioner in Cuttack, and the judge and magistrate of that district, shall also be respectively empowered to dispense with the rule contained in Section 19, Regulation XXVIII. 1814, in all instances in which they may judge it expedient.

The commissioner and the judge and magistrate empowered to dispense with the rule contained in Section 19, Regulation XXVIII. 1814.

Fifth. The orders and decisions passed by the commissioner, in original civil suits, or in appeals cognizable by him, whether regular or summary, shall be to all intents and purposes final and conclusive.—Provided however, that an appeal shall lie to the Sudder Dewanny Adawlut, from the decisions of the commissioner on civil suits, which from their amount or value may be appealable to the King in Council, under the provisions of the existing regulations.

Orders and decisions passed by the commissioner in civil suits, to be final.

Proviso with regard to cases appealable to the King in Council.

VI. Nothing contained in this regulation, shall be construed to affect or alter the powers vested in the court of Nizamut Adawlut, with regard to the administration of criminal justice in the district of Cuttack; and the commissioner in Cuttack will stand in the same relation to the court of Nizamut Adawlut, as the judges of the provincial court of circuit for the division of Calcutta have hitherto stood, either in their individual or in their collective capacity.

The powers of the court of Nizamut Adawlut with regard to the administration of criminal justice in Cuttack, to continue in force.

VII. The provisions of Regulation XXII. 1817, are hereby rescinded, and the commissioner in Cuttack shall exercise the same powers in confirming the appointment and removal of the native officers of the judge and magistrate of Cuttack, as are exercised by the provincial courts of appeal and circuit, with regard to the appointment and removal of the native officers on the establishment of the *zillah* judges and magistrates generally.

Regulation XXII. 1817, rescinded. The commissioner to confirm the appointment and removal of native officers on the establishment of the judge and magistrate of Cuttack.

VIII. The judge and register of *zillah* Cuttack are hereby empowered to hold their court for the investigation of summary suits regarding rent or dispossession from lands, in any part of the district of Cuttack; and it shall be competent to the commissioner, with the sanction of the Governor General in Council, to employ the registers or the assistants to the judge and magistrate of Cuttack, on local duties in the territorial department, when such employment shall appear calculated to promote the public service.

The judge and register may investigate summary suits regarding rent or dispossession from lands in any part of Cuttack.

The registers and assistants to the judge and magistrate may be employed on local duties in the territorial department.

A. D. 1820. REGULATION II.

A REGULATION *to enable the Magistrate of Hooghly, the Court of Circuit for the Division of Calcutta, and the Court of Nizamut Adawlut, to take Cognizance of certain Offences committed by Natives within the Limits of the Settlements of Chandernagore and Chinsurah.*—PASSED *by the Governor General in Council, on the* 25*th February* 1820; *corresponding with the* 14*th Phagoon* 1226 *Bengal era; the* 26*th Phagoon* 1227 *Fussily; the* 15*th Phagoon* 1227 *Willaity; the* 12*th Phagoon* 1876 *Sumbut; and the* 10*th Jumadee-ul-Awul* 1235 *Higeree.*

Preamble.

THE provisions contained in Regulations I. and XVI. of 1805, in Regulation II. 1808, and Regulation IX. 1809, relative to the administration of civil and criminal justice in the settlements of Chandernagore and Chinsurah, have ceased to be in force since the restoration of those settlements to the respective authorities of their majesties the King of France and the King of the Netherlands:—It being however necessary to provide for the cognizance of criminal offences of a heinous nature committed within those settlements by natives of India, to which offences the jurisdiction of the criminal courts established at the settlements of Chandernagore and Chinsurah does not extend, the following rules have been enacted.

Magistrate of Hooghly empowered to receive into his custody certain persons charged with the perpetration of heinous offences in Chandernagore and Chinsurah.

II. *First.* The magistrate of Hooghly is hereby declared competent to receive into his custody, natives of India who may be forwarded to him by the superior authorities of Chandernagore and Chinsurah, charged with the commission of murder, robbery, and other crimes of a heinous nature within the limits of those settlements.

Magistrate how to deal with such persons.

Second. After due examination into such cases, the magistrate will either discharge the prisoner, or if he shall find sufficient grounds for that measure, will commit the accused to take his trial before the court of circuit for the offence with which he may stand charged.

Not to pass sentence of punishment upon them himself.

Third. The magistrate will not himself pass sentence of punishment on the accused, although the nature of the charge may be such as would warrant his doing so under the existing regulations; but will either commit the prisoner to take his trial before the court of circuit, or will discharge him according to the circumstances of the case.

Competency of the Calcutta court of circuit and the Nizamut Adawlut to take cognizance of such cases, and how to pass sentence.

III. The court of circuit for the division of Calcutta, and the Nizamut Adawlut, are hereby respectively empowered to take cognizance of such cases, and to pass such sentence upon the prisoners as may be conformable to the provisions of the regulations which are now or may hereafter be in force within the province of Bengal.

Period from which the rules contained in this regulation are to have effect.

IV. The foregoing provisions are hereby declared to be applicable to persons charged with having committed offences of the nature described in clause first, Section 2. of this regulation, in the interval between the restoration of the settlements of Chandernagore and Chinsurah, and the date of this regulation.

A. D. 1822. REGULATION X.

A REGULATION *for exempting the Garrow Mountaineers and other rude Tribes on the North-Eastern Frontier of Rungpore, from the operation of the existing Regulations, and for establishing a special System of Government for the Tract of Country occupied by them, or bordering on their Possessions.—Passed by the Governor General in Council, on the* 19*th September* 1822; *corresponding with the* 4*th Assin* 1229 *Bengal era; the* 18*th Assin* 1230 *Fussily; the* 5*th Assin* 1230 *Willaity; the* 4*th Assin* 1879 *Sumbut; and the* 2*d Mohurrum* 1238 *Higeree.*

THERE exist in different parts of the territories subordinate to the presidency of Fort William, races of people entirely distinct from the ordinary population, and to whose circumstances therefore the system of Government established by the general regulations is wholly inapplicable.—Such were the mountaineers of Bhagulpore, for the reclaiming of whom to the arts of civilized life special arrangements were made by Government with the chiefs, some time before the introduction of the present system. These arrangements still subsist, having been incorporated into the code by the provisions of Regulation I. 1796, under which an entirely distinct system has been established for the administration of justice amongst the inhabitants of that mountainous tract. Savage tribes, in some respects similar, exist on the North-East frontier of Rungpore, of which the race denominated Garrows, and occupying the hills called after them, are the principal. As yet little has been done to reclaim or civilise these people. The reciprocal animosity which subsist between them and the inhabitants of the cultivated country prevents any extensive intercoure of a pacific nature, while on the contrary their mutual injuries have produced feuds leading frequently to disturbance and bloodshed. The *zemindars* of the frontier have, there is reason to believe, usually been the aggressors by encroaching on the independent territory of the Garrows and similar rude tribes, until despairing of other resource, the latter are driven to seize occasions of private revenge and retaliation. These encroachments having been of long standing, several *zemindars* were at the time of the perpetual settlement in the receipt of incomes derived from cesses of various kinds, levied from the tribes, and hence a portion of the tract of country occupied by them has been considered to lie within the operation of the general regulations as forming part of the *zemindarees*. This however, instead of conducing to reclaim the tribes to civilized habits, has rather had a contrary effect, the system being totally inapplicable to their savage and secluded condition, and being calculated to leave them at the mercy of the *zemindars*, rather than to offer any substantial means of redress. The condition of the Garrow mountaineers and of the other rude tribes on that frontier has for some time past attracted much of the attention of the Governor General in Council, and the circumstances which have conduced to check the progress of civilisation amongst them have been fully investigated and ascertained. With a view therefore to promote the desirable object of reclaiming these races to the habits of civilized life, it seems necessary that a special plan for the administration of justice, of a kind adapted to their peculiar customs and prejudices, should be arranged and concerted with the head men, and that measures should, at the same time, be taken for freeing them from any dependence on the *zemindars* of the British provinces; compensation being of course made to the latter **Preamble.**

for

for any just pecuniary claims they may have over them. Preparatory to the execution of measures adapted to this end, it has been deemed indispensable to suspend the operation of the existing rules for the administration of civil and criminal justice, and generally of the regulations of Government within the tract of country comprised in, or bordering on the hills and *jungulu* occupied by these tribes, and to appoint a commissioner, with full power to conclude arrangements with the chiefs, and to conduct the entire administration of the tract in question, subject only to such orders and instructions as he may receive, from time to time, from the Governor General in Council. The following rules have accordingly been enacted, to take effect from the date of their promulgation, in the manner and within the limits therein described.

Separating the tract of country comprised in the *thanas* of Gwalpara, Dhoobree and Kurreebaree from the jurisdiction of the district of Rungpore, and declaring the operation of the existing regulations to be suspended, except so far as provided hereafter.

II. The tract of country now comprised in the *thana* jurisdictions of Gwalpara, Dhoobree and Kurreebaree, in the district of Rungpore, is hereby declared separated from the said district: and the operation of the rules for the administration of the police and of civil and criminal justice, as well as those for the collection of the land revenue, customs, *abkaree*, and stamp revenues; together with all other rules contained in the regulations printed and published in the manner prescribed by Regulation XLI. 1793, are suspended, and shall cease to have effect therein from the date of the promulgation of this regulation, except in so far as may be hereinafter provided.

A civil commissioner appointed for the North-East parts of Rungpore above described, vested with the powers of administering civil and criminal justice, the collection of revenue, and the superintendence of the police in the manner prescribed in this regulation.

III. The administration of civil and criminal justice, the collection of the revenue, the superintendence of police, and every other branch of government within the tract above described, are hereby declared to be vested in an officer appointed by the Governor General in Council, and denominated the civil commissioner for the North-Eastern parts of Rungpore: the said officer shall conduct the same agreeably to the principles and spirit of the existing regulations, subject to the restrictions and modifications hereinafter provided, and to such other alterations and amendments, as may, from time to time, be ordered by the Governor General in Council.

Commissioner to exercise the functions of magistrate, and to have criminal jurisdiction in the trial and sentence of persons charged with offences to the extent of a circuit judge, but no *futwa* to be required.

IV. *First.* In the administration of criminal justice, the commissioner shall be competent to exercise all the functions and authorities now exercised by magistrates in respect to the apprehension and trial of persons charged with offences; and further to hold trials and pass sentence to the extent permitted by the regulations to a judge of circuit: but without reference of the proceeding for *futwa* to a Mahomedan law officer.

Commissioner and other officers acting under his control, shall ordinarily conform to the principles and spirit of the regulations applicable.

But shall obey and conform to all special rules, and orders of Government.

Reservation to the Governor General in Council of the power of regulating sundry matters connected with the commissioner's criminal jurisdiction.

Second. In the exercise of the powers and authorities above conveyed to the commissioner, he shall ordinarily conform to the principles and spirit of the regulations applicable to such subjects; so likewise the police officers and all other officers acting under his control; provided however that the commissioner and all such officers shall be bound to conform to any special rules or orders that may, from time to time, be issued by the Governor General in Council, for regulating the process before trial, or the forms of trial to be observed in the case of different classes of the population, and the same shall be to all intents and purposes legal and valid. Moreover, it shall be competent to the Governor General in Council to extend, limit, or modify, any part of the authority to be exercised by police officers, and likewise to confer on the commissioner the power of granting conditional pardon to accomplices without previous reference to the Nizamut Adawlut, as required by the existing regulations, or in any other way to extend or modify the magisterial and judicial functions vested in the commissioner by the preceding clause of this section. An order or resolution of Government, under the official signature of a secretary to Government, shall be sufficient authority for such modification; any thing in Regulation XLI. 1793, or in any other regulation of Government to the contrary notwithstanding.

Proceedings in the trial of certain cases to be referrible to the Nizamut Adawlut, before final sentence being passed by the commissioner.

Third. If the commissioner shall deem an offender brought to trial before him to be liable to a punishment exceeding that which by the existing regulations a judge of circuit is competent to adjudge without referring the case to the Nizamut Adawlut, he shall not pass any final sentence thereon, but shall transmit to the Nizamut Adawlut the record of the proceedings held on the trial, together with a full English report of the circumstances of the case, and of his opinion as to the guilt or innocence of the prisoner or prisoners tried, as likewise an explanation of any special custom of the parties or witnesses that may be necessary to the proper understanding of the proceedings.

V. Upon the receipt of any trial referred by the commissioner under the preceding section, the Nizamut Adawlut shall, without submitting the proceedings for the *futwa* of their law officers, proceed to pass a final judgment, or such other order as may, after mature consideration, seem to the court requisite and proper, in the same manner, with exception to the requisition of a *futwa*, as if the trial had been sent up in ordinary course from a judge on circuit.

The Nizamut Adawlut how to pass judgment in such cases.

VI. In the exercise of the duty of administering civil justice within the tract defined in Section 2. of this regulation, the commissioner shall hold a court and proceed, in cases wherein persons not of the race of Garrow mountaineers or other rude tribes are exclusively concerned, according to the existing regulations, subject to the modifications provided for by this regulation, observing, as far as practicable, the rules prescribed for *zillah* judges holding and presiding in the *adawluts* of the country: provided however, that there shall be no limit to the amount for which a suit shall be cognizable by the commissioner, and an appeal from his judgments shall not lie to the provincial court. If the stake or interest involved (calculated according to the rule contained in Section 14, Regulation I. 1814,) do not exceed in amount or value the sum of 5,000 sicca rupees, the decision passed on the case by the commissioner shall be final. If the interest involved calculated as above exceed in value or amount the sum of 5,000 rupees, an appeal shall lie in such cases direct to the Sudder Dewanny Adawlut, who will proceed in the hearing and adjudication thereof, in the same manner as in the case of appeals entertained by the court from judgments of provincial courts of appeals. The Sudder Dewanny Adawlut shall likewise be competent to grant a special appeal in cases of a less amount than 5,000 rupees, should there appear, either on the face of the decree or from circumstances established to the satisfaction of the court, substantial reason for concluding that there has been a failure of justice in the award of the commissioner.

Power of the commissioner in administering civil justice.

Suits exceeding in amount Rs. 5,000 to be appealable to the Sudder Dewanny Adawlut.

Special appeal allowed if under 5,000 rupees.

VII. If the parties in a civil action be Garrow mountaineers or of any other similar rude tribe, or if either of them be of that description, the form and process that may be sanctioned and prescribed by the Governor General in Council, shall be adopted in the trial and adjudication of the matter at issue, and in the execution of the award; and any civil judgment that may be passed according to such form, shall have full authority and effect, in the same manner as a decree passed by a competent court of final jurisdiction.

The process and form of trial in civil actions between Garrows and the like, or in which one of the parties may be of this description, to be as prescribed by the Governor General in Council.

VIII. *First.* In the conduct of the revenue duties of the tract of country placed under the commissioner, as well those relating to the customs, *abkaree*, stamps, and other miscellaneous items, as to the land revenue, the commissioner shall observe the rules and principles of the general regulations, with such limitations and restrictions as to the authority to be exercised by himself, as may be provided in the instructions he may receive, from time to time, from the Governor General in Council: provided however, that it shall be competent to the Governor General in Council to direct the separation, temporarily or permanently, of any tract of country occupied by Garrow mountaineers or other rude tribes from the estates of any neighbouring *zemindars*, to which the same may now be claimed to be attached; also to discontinue the collection by *zemindars* or others of any cesses, tributes, or exactions, on whatsoever pretence the same may be levied from such people, and to make arrangements either for the remission of the same or for their collection direct by the officers of Government, making such compensation to *zemindars* or others, justly entitled thereto, for the relinquishment of the same, as may to him seem most equitable and proper.

Rules under which the commissioner shall conduct the revenue duties in the tract of the country placed under his control.

Proviso, declaratory of the competency of Government to separate tracts occupied by Garrows or the like, from *zemindarees*, and to discontinue the levy of cesses or the like, giving compensation when justly due.

Second. No suit or action shall be entertained by any civil court having jurisdiction, or that may hereafter have jurisdiction, within the tract of country subject to the authority of the commissioner, on account of any act of the above description done under the authority of the Governor General in Council.

No suit shall be entertained by any civil court within the tract of country subject to the commissioner on account of acts done as above.

IX. In all matters connected with the tract of country specified in Section 2, or with the races of mountaineers and rude tribes above described, if from the want of any special provision, or from doubts as to the applicability of the rules in existence, any difficulty shall arise as to the course to be pursued, a reference shall be made to the Governor General in Council, to whom it shall be competent to prescribe, by an order under the official signature of a secretary to Government, what specific measures shall be adopted in the particular instance, as well as to annul, modify, and explain, any existing rules or orders.

All questions regarding the application of the rules in matters connected with the tract of the country described in Section 2. of this regulation, shall be referrible to the Governor General in Council.

A. D. 1825. REGULATION XVII.

A REGULATION *for transferring the Zillah of Goruckpore from the Jurisdiction of the provincial Court of Appeal and Circuit of Benares, and annexing it to that of the Court of Appeal and Circuit of Patna; for changing the Order of holding the half-yearly Jail Deliveries at the Stations comprised within the several Circuits; for providing that the Sessions shall be held in Future at the Stations of certain Joint Magistrates; for authorizing special Arrangements with Respect to others, and for altering the Periods fixed for the Commencement of the* 1st *and* 2d *Circuits of the Calcutta Division.*—PASSED *by the Governor General in Council, on the* 4th *August* 1825; *corresponding with the* 21st *Sawun* 1232 *Bengal era; the* 6th *Sawun* 1232 *Fussily; the* 22d *Sawun* 1232 *Willaity; the* 5th *Sawun* 1882 *Sumbut; and the* 18th *Zeheija* 1240 *Higeree.*

Preamble.

WHEREAS it has been judged expedient to separate the *zillah* of Goruckpore from the jurisdiction of the court of circuit and provincial court of appeal for the division of Benares, and to annex that *zillah* to the jurisdiction of the court of circuit and provincial court of appeal for the division of Patna: and whereas it has been deemed expedient to provide that the stations of certain joint magistrates should be visited, (some annually and others in the regular course of circuit,) and the sessions held there in cases where the adoption of the arrangement has been found to be consistent with public convenience: and whereas it has consequently become necessary to alter the order of succession prescribed in the existing regulations, for holding the jail deliveries at the several stations comprised within the circuits generally; and it appearing proper to alter the dates prescribed by Section 3, Regulation II. 1804, for the commencement of the first and second circuits for the division of Calcutta; the following rules have been enacted, to take effect from the promulgation of this regulation; or, with respect to the transfer of *zillah* Goruckpore, from the 28th day of September 1825, corresponding with the 14th Assin 1232 Bengal era; the 1st Assin 1233 Fussily; the 15th Assin 1233 Willaity; the 1st Assin 1882 Sumbut; and the 14th Suffer 1240 Higeree.

The *zillah* of Goruckpore transferred from the jurisdiction of the provincial court of appeal and circuit for the division of Benares, and annexed to that of Patna.

II. Such parts of Regulation VIII. 1804, and of any other regulation now in force, as declare the *zillah* of Goruckpore subject to the jurisdiction of the court of circuit and provincial court of appeal for the division of Benares, are hereby rescinded. The said *zillah* shall hereafter be subject to the jurisdiction of the court of circuit and provincial court of appeal for the division of Patna.

Modification of the existing order of succession for holding the jail deliveries, at the stations of the several magistrates and joint magistrates.

III. Such part of Section 6, Regulation III. 1798, as prescribes the order of succession for holding the jail deliveries of the Dacca division; such part of Section 7, Regulation II. 1804, as fixes the order of succession for holding the jail deliveries of the Patna division; clause first, Section 7, Regulation II. 1804, and Sections 4 and 5, Regulation I. 1806, are hereby rescinded; and the following order of succession for holding the jail deliveries at the stations of the several magistrates and joint magistrates of the divisions of Bareilly, Benares, Calcutta, Dacca, Moorshedabad, and Patna, will hereafter be observed, instead of that prescribed in the several rescinded rules above quoted.

BAREILLY

BAREILLY COURT OF CIRCUIT

1 Furruckabad.
2 Cawnpore.
3 Etawa.
4 Mynpooree.
5 Agra.
6 Alligurh.
7 Boolundshuhur.
8 Meerut.
9 Moozuffer Nuggur.
10 Seharunpore.
11 Nugeena.
12 Moradabad.

BENARES COURT OF CIRCUIT.

1 Mirzapore.
2 Banda.
3 Hameerpore.
4 Bhitoora (Futtehpore).
5 Allahabad.
6 Jounpore.
7 Azimgurh.
8 Ghazeepore.

CALCUTTA COURT OF CIRCUIT.

1 Jessore.
2 Nuddeah.
3 Hooghly.
4 Burdwan.
5 Jungle Mohauls.
6 Midnapore.

DACCA COURT OF CIRCUIT.

1 Mymensingh.
2 Sylhet.
3 Tipperah.
4 Chittagong.
5 Noacally.
6 Backergunge.
7 Dacca Jelalpore.

MOORSHEDABAD COURT OF CIRCUIT.

1 Bhaugulpore.
2 Purnea.
3 Dinagepore.
4 Rungpore.
5 Rajeshahye.
6 Bagoorah.
7 Beerbhoom.

PATNA COURT OF CIRCUIT.

1 Ramghur.
2 Behar.
3 Shahabad.
4 Goruckpore.
5 Sarun.
6 Tirhoot.

Rules to be observed for holding the sessions at certain stations.

IV. Circumstances connected with the public convenience having suggested the necessity of prescribing special rules for holding the sessions at the stations of the joint magistrates of Barasut, Balasore, Malda, Monghyr, and Shahjehanpore, the following rules are hereby enacted.

First.

First. The judge who may proceed on the first circuit for the Calcutta division, shall, in the first instance, visit the station of the joint magistrate of Barasut, and there hold the trial of any prisoners who may have been committed during the months immediately preceding the commencement of the circuit; but all prisoners committed in the former months shall be sent for trial at the monthly sessions of the Twenty-four Pergunnahs as heretofore. It shall not be necessary for the judge of circuit to visit the station of the joint magistrate of Nugwan, whose commitments will be tried at the *sudder* station of Midnapore.

Viz. Barasut.

Second. The commissioner of Cuttack will hold the half yearly jail delivery of prisoners committed by the joint magistrate of Balasore, at the station of that officer, provided that when the other public avocations of the commissioner may not admit of this arrangement, the prisoners committed by the joint magistrate shall be sent as heretofore to take their trial at the *sudder* station of Cuttack. It shall not be necessary for the commissioner to visit the station of the joint magistrate of Khoordah, whose commitments will continue to be tried at the *sudder* station of Cuttack as heretofore.

Viz. Balasore and Khoordah.

Third. The judge who may proceed on the second circuit for the Moorshedabad division, shall, on concluding the sessions at Bhaugulpore, proceed to Malda, and there hold the trial of any persons who may have been committed since the last jail delivery. Any prisoners who may be committed for trial between the second and first sessions, shall be sent as heretofore to the *sudder* station of the districts in which the *thanas* under the control of the joint magistrate may be situated.

Viz. Malda.

Fourth. The judge who may proceed on the first circuit for the Moorshedabad division, shall, on concluding the sessions at Bhaugulpore, proceed to Monghyr, and there hold the trial of any prisoners who may have been committed since the last jail delivery. Any prisoners who may be committed for trial between the first and second sessions, shall be sent for trial as heretofore to the *sudder* stations of the districts in which the *thanas* under the control of the joint magistrate may be situated; but as this joint magistracy comprises also portions of the Behar and Tirhoot *zillahs*, all commitments, at whatever time made, for offences occurring in those *thanas* subject to the joint magistrate's jurisdiction which are situated in the districts abovementioned, shall be sent to the *sudder* stations of those districts as heretofore for trial by the Patna court of circuit.

Viz. Monghyr.

Fifth. The judge who may proceed on the first circuit for the division of Bareilly, shall visit the station of the joint magistrate of Shahjehanpore, in the first instance; and there hold the trial of any prisoners who may have been committed during the month immediately preceding the commencement of the circuit, but all prisoners committed in the former month shall be sent for trial at the monthly sessions of Bareilly as heretofore. It shall not be necessary for the judge of circuit to visit the stations of the joint magistrates of Deyradoon or Sirpoorah, and the prisoners committed to take their trial by those officers, shall be sent as heretofore to the *sudder* stations of Seharunpore and Furruckabad respectively.

Viz. Shahjehanpore.

V. Such part of Section 3, Regulation II. 1804, as declares that the first circuit for the Calcutta division shall commence on the 1st of April, and the second on the 1st of October, is hereby rescinded, and the first circuit for that division shall in future commence on the 1st of May, and the second on the 1st of November.

Rule for the commencement of the circuits for the division of Calcutta.

VI. In the event of any future alterations becoming necessary in the order of holding the jail deliveries at the station of a magistrate or joint magistrate, it shall be competent to the Governor General in Council to direct the same without the necessity of a new regulation for that purpose.

The order of holding the jail deliveries at the station of a magistrate or joint magistrate, may be altered in future without the enactment of a regulation.

A. D. 1826. REGULATION V.

A REGULATION *for annexing to the Zillah of Agra, the Pergunnah of Goberdhun.*—PASSED *by the Governor General in Council, on the* 22d *June* 1826; *corresponding with the* 9*th Assaar* 1233 *Bengal era; the* 3*d Assaar* 1233 *Fussily; the* 10*th Assaar* 1233 *Willaity; the* 3*d Assaar* 1883 *Sumbut; and* 15*th Zekaddu* 1241 *Higeree.*

Preamble.

WHEREAS the *pergunnah* of Goberdhun, forming part of the territories situated on the right bank of the Jumna, which were ceded to the Honorable the East India Company, by the treaty concluded with Dowlut Rao Scindiah, on the 30th November, 1803, and which *pergunnah* was subsequently granted free of assessment to Koour Luchmun Singh, a younger son of Raja Runjeet Singh, of Bhurtpoor, has been resumed in consequence of the death of the said Koour Luchmun Singh: and whereas it has been judged advisable to annex the said *pergunnah* to the district of Agra: the following rules have been enacted to be in force from the period of their promulgation.

The *pergunnah* of Goberdhun annexed to Agra, and the existing laws and regulations extended to that *pergunnah*, subject to the following provisions.

II. The *pergunnah* of Goberdhun shall be annexed to the district of Agra, and the laws and regulations established for the internal administration of that district, are hereby declared to be in force and effect in *pergunnah* Goberdhun, from and after the promulgation of this regulation, subject, however, to the provisions contained in the following sections.

Civil courts prohibited from taking cognizance of suits, if the cause of action shall have arisen previously to the 25th January, 1814.

III. The courts of civil judicature shall not be deemed competent to take cognizance of civil claims in *pergunnah* Goberdhun, the cause of action in which may have originated previously to the 25th January, 1814, being a period of twelve years, antecedent to the date on which that *pergunnah* was resumed.

Criminal courts prohibited from taking cognizance of offences, committed previously to the 25th January 1826.

IV. The courts of criminal judicature are hereby prohibited from taking cognizance of any crime or offence committed in any part of the said *pergunnah*, previously to the 25th January 1826, the date on which that *pergunnah* was resumed.

Stamp regulations not to be enforced during a period of one year.

V. The stamp regulations shall not be enforced within the *pergunnah* of Goberdhun, during a period of one year, from the 25th January, 1826.

Power reserved to the Governor General in Council, of fixing the periods for the formation of the settlement of the land revenue.

VI. The Governor General in Council reserves to himself the power of fixing the periods for which the settlement of the land revenue, shall from time to time be formed in the said *pergunnah*, according as local circumstances may appear to require; adhering, however, as nearly as practicable, to the principles established for the settlement generally of the lands in the territories ordinarily denominated the ceded and conquered provinces.

A. D. 1826. REGULATION VI.

A REGULATION *for constituting the Jurisdiction of the joint Magistrate, stationed at Futtehpore, a distinct Zillah.*—PASSED *by the Governor General in Council, on the 13th July* 1826; *corresponding with the* 30*th Assaar* 1233 *Bengal era; the* 24*th Assaar* 1233 *Fussily; the* 31*st Assaar* 1233 *Willaity; the* 9*th Sawun* 1883 *Sumbut; and the* 6*th Zeheija* 1241 *Higeree.*

Preamble.

WHEREAS it is deemed essential, with a view to the more efficient administration of civil and criminal justice, as well as to ensure the more punctual realization of the land revenue, that the tract of country, comprising portions of the districts of Cawnpore and Allahabad, now under the authority of the joint magistrate stationed at Futtehpore, should be constituted a separate *zillah*, with such modification of limits as may hereafter appear to be advisable, the following rules have been enacted to be in force from the 1st of September next.

What police *thanas* of Allahabad and Cawnpore to constitute a distinct civil and criminal jurisdiction, to be denominated the *zillah* of Futtehpore.

II. *First.* From and after the date specified in the preamble to this regulation, the tract of country forming portions of the districts of Allahabad and Cawnpore, comprised in the following police *thana* divisions, viz. in the *thanas* of

Currah,
Hutgong,
Hussooah,
Futtehpore,
Ghazeepore,
and
Kishunpore, } In the district of Allahabad;

And in the *thanas* of

Bindkee,
Khujooa,
Corah Juhanabad,
and
Amowly, } In the district of Cawnpore;

shall constitute a distinct civil and criminal jurisdiction, to be denominated the *zillah* of Futtehpore.

Proviso.

Second. Provided however, that it shall be competent to the Governor General in Council, by an order in council, to make any alteration in the limits of the said *zillah*, or of any of the *zillahs* adjacent, which may at any time be deemed necessary or expedient.

Futtehpore *zillah* to be subject to the provincial court of Benares.

III. The *zillah* of Futtehpore shall be subject to the juridiction of the provincial court of appeal, and court of circuit, for the division of Benares.

A. D. 1827. REGULATION I.

A REGULATION *for rescinding Regulation I.* 1796, *and providing a special Form of Trial, for the Mountaineers of Bhaugulpore; also, for investing the Magistrate of Bhaugulpore with summary Powers, for the Adjustment of certain civil Claims.*—PASSED *by the Vice-President in Council, on the* 8*th March* 1827; *corresponding with the* 25*th Phaugun* 1233 *Bengal era; the* 25*th Phaugun* 1234 *Fussily; the* 27*th Phaugun* 1234 *Willaity; the* 10*th Phaugun* 1883 *Sumbut; and the* 9*th Shawan* 1242 *Higeree.*

Preamble.

THE considerations which originally suggested the expediency of constituting a separate tribunal, composed of hill chiefs, for the trial of crimes and misdemeanors, committed by individuals belonging to the hill tribes, appear to be no longer applicable to the existing state of things, and it has been deemed expedient to assimilate the forms and rules, for the administration of criminal justice, between the inhabitants of the hills and those of the plains, and in lieu of the present imperfect system, to introduce among them the rules contained in the general code of regulations, subject only to the distinction, that the *futwa*, or opinion as to the guilt or innocence of a person under trial before the court of circuit, or as to the law applicable thereto, shall be declared by assessors of their own race, instead of being recorded by the Mahomedan law officer of the court. It has further been deemed expedient, to invest the magistrate of *zillah* Bhaugulpore with summary powers, with a view to the speedy adjustment of particular claims of frequent recurrence among that class of people, and to encourage, on their part, a resort to the constituted authority for the redress of their civil grievances: the following rules have accordingly been enacted by the Vice-President in Council, to be in force from the period of their promulgation.

Regulation I. 1796, rescinded, and the people of the hills of Bhaugulpore to be amenable to the jurisdiction of the criminal courts, and subject to the ordinary system of police, in like manner as the inhabitants of the other territories. In lieu of the Mahomedan law officers of the court, a committee of hill *manjees* shall sit as assessors on the trial of any natives of the hills of Bhaugulpore.

II. *First.* Regulation I. 1796, is hereby rescinded, and the inhabitants of the hills in the district of Bhaugulpore shall be considered, to all intents and purposes, amenable to the jurisdiction of the criminal courts, and subject to the ordinary system of police, in like manner as the inhabitants of the other territories immediately dependant upon the presidency of Fort William. Provided however, that in all cases where it may be prescribed by the existing regulations, that the Mahomedan law officer of the court conducting a trial, shall declare by a written *futwa*, his opinion as to the guilt or innocence of a party under trial, or the law as applicable to the case, the provisions of the said regulation shall not apply to any case in which a native of the hills of Bhaugulpore may be under trial. But in lieu of such law officer, a committee of hill *manjees*, not being less than three in number, shall sit as assessors on the trial, and declare their opinion thereon, according to the laws and customs of the hills, subject to the approval and confirmation of the judge of circuit conducting the trial, in the manner provided by the existing rules in regard to the *futwas* of Mahomedan law officers. Provided further, that in cases of the above nature referred to the Nizamut Adawlut, that court shall pass sentence, or otherwise dispose of a trial so referred, according as to their judgment shall seem best, without referring the same to the law officers of the court, and the concurring opinions of two judges of the Nizamut Adawlut shall suffice for the disposal of any such case, and for the issue of any sentence awarded thereon.

The Nizamut Adawlut how to act in cases of trials that may be referred to them.

The magistrate to keep a register of *manjees* eligible to attend the ses-

Second. The magistrate of the district shall keep a register of *manjees* eligible to the duty referred to in the preceding clause of this section, and on each occasion of a sessions of

sions, and how to act when individuals of the hill race are to be tried before the judge on circuit.

of jail delivery, when there may be individuals of the hill race for trial, he shall summon a certain number of *manjees*, not being less than twelve, to attend the sessions, and any three or more of these, selected by ballot or otherwise, as the judge on circuit may deem most proper and convenient, shall be competent to sit on the trial in the manner above described: provided however, that any prisoner for trial shall be competent to challenge and object to any one, or to all of the three or more first chosen, and in that case, a second set shall be similary provided, who shall not be liabe to challenge, except upon good ground shown to the satisfaction of the judge holding the trial.

Prisoner shall be competent to challenge any of the first chosen assessors.

The magistrate of Bhaugulpore to try summarily and adjudge claims for money or personal property, where the value does not exceed one hundred rupees, and the cause of action may not be of more than one year's standing.

III. *First.* The magistrate of Bhaugulpore is hereby authorized to try summarily, and adjudge all claims for money or personal property arising between the hill people, residing within the limits of the hill divisions; provided the amount or value of the same does not exceed one hundred rupees, and provided the cause of action shall not have been of more than one year's standing.

Also to try and adjudge claims regarding the situation of *manjee*, and the right of possession in any hills.

Second. Under the same limitation of time, the magistrate is likewise hereby authorized to try and adjudge all claims regarding the situation of *manjee*, and the right of possession in any hills, and likewise any disputes respecting the limits of the same.

Likewise to decide summarily claims for money which may arise in the Bhaugulpore district, between the hill people. and the inhabitants of the lowlands.

Third. The magistrate is further hereby authorized to decide summarily on all claims for money, and personal property (not exceeding in amount or value the sum of one hundred rupees) which may arise in the Bhaugulpore district, (subject to the above specified limitation in point of time,) between the hill people and the inhabitants of the lowlands.

The rules of process and forms of proceeding to be observed by the magistrate, in cases of assault and the like, and the use of stampt paper.

Fourth. In the discharge of the above duties, the magistrate shall observe the rules of process and forms of proceeding prescribed and practised in the investigation and decision of cases of assault and the like: all petitions connected with cases cognizable under the rules of this section, shall be written on paper bearing the usual stamp for petitions presented in the magistrate's court; and in the summoning and examination of witnesses as well as in all cases of resistance, contempt, or evasion of process, during the investigation of the cases in question, the provisions of the existing regulations, applicable to cases arising in the court of the magistrate, shall apply and regulate the course of proceeding. Provided however, that upon award being made by the magistrate adjudging any sum to be due, or determining the right of any party in a hill tenure or other interest or possession, the award shall take effect and be executed as a decree of a civil court, and the final proceeding of the magistrate in the case shall similarly determine in what manner and by whom the costs, if any, shall be defrayed.

The award of the magistrate how to take effect and be executed, and costs defrayed.

In cases of doubt, claims may be referred by the magistrate to arbitration to the hill chiefs.

Fifth. It shall be competent to the magistrate, whenever, in a case of doubt, or for any other reason, he may so judge fit, to refer a claim brought before him, under the rules of this section, to the arbitration of any given number of hill chiefs he may deem proper to appoint, not being less than three.

Appeal from the magistrate's award may be presented in a petition to the judge of circuit, bearing the usual stamp.

The judge of circuit how to act on the petition

Power of the Nizamut Adawlut to reverse, alter or amend the award.

Sixth. Any party deeming himself aggrieved by the award of a magistrate passed under the preceding rules of this section, shall be competent to bring the matter by petition, bearing the usual stamp for petitions presented to the court of circuit, before the judge of circuit holding the next ensuing sessions of jail delivery for the district. The judge so holding the circuit shall, on receipt of such petition, call for the papers and proceedings, and hold such further investigation as he may deem necessary to satisfy himself as to the merits of the award made by the magistrate. Should he deem the same erroneous, or should the proceedings of the magistrate be found irregular or improper in any respect, a report of the case, with the whole proceedings annexed, shall be submitted to the Nizamut Adawlut, who shall be competent to reverse, alter, or amend the award in any manner that may be deemed proper, and to issue any orders upon the subject that may appear expedient.

The magistrate to submit to the Sudder Dewanny Adawlut, monthly statements of the number of claims instituted and disposed of by him.

Seventh. It shall be the duty of the magistrate to submit monthly statements to the Sudder Dewanny Adawlut, of the number of claims instituted, and disposed of by him, under this section.

The above rules not applicable to the *pergunnah* of Bheel Putta,—the inhabitants of that *pergunnah* subject to the general code of regulations.

IV. The provisions of the above section shall not be held applicable to the *pergunnah* of Bheel Putta, and the inhabitants of that *pergunnah* shall be considered subject to the rules contained in the general code, both in matters of civil and criminal jurisdiction.

A. D. 1793. REGULATION XXXVI.

A REGULATION *for establishing a Registry for Wills and Deeds, for the Transfer or Mortgage of real Property.*—PASSED *by the Governor General in Council on the 1st May* 1793; *corresponding with the* 21*st Bysaak* 1200 *Bengal era; the* 6*th Bysaak* 1200 *Fussily; the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysaak* 1850 *Sumbut; and the* 19*th Ramzaan* 1207 *Higeree.*

Preamble.

TO give security to the titles and rights of persons purchasing real property, or receiving such property in gift, or advancing money on the mortgage of it, or taking it on lease, or other limited assignment; to prevent individuals being defrauded by buying, or receiving in gift, or lending money on mortgage, or taking on lease any such property that may have been so previously disposed of, or pledged; to afford persons the means of obviating, as far as may be practicable, litigation respecting the authenticity of their wills, or any written authority they may grant to their wives to adopt sons after their death; and that individuals may be able to provide against any injury to their rights or property by the loss or destruction of deeds relating to transactions of the nature of those above specified, the following rules have been enacted.

An office for the registry of deeds to be established in each *zillah* and city.

To be superintended by the registered of the *zillah* or city.

II. An office for the registry of deeds, shall be established in each *zillah*, and in the cities of Patna, Dacca, and Moorshedabad. The superintendence of the office shall be committed to the register of the Court of *dewanny adawlut*, who shall take and subscribe the following oath before the judge of the *zillah* or city, previous to his entering on the execution of the duties of the office.

Oath.

"I A. B. solemnly swear, that I will truly and faithfully execute the office of register of deeds for the *zillah* or city of ———, and that I will not directly or indirectly derive any pecuniary or other benefit whatsoever from the said office, excepting such as is or may be allowed to me by this regulation, or by any regulation that may be hereafter passed by the Governor General in Council, and printed and published in the manner directed in Regulation XLI. 1793. SO HELP ME GOD."

Memorials of the following deeds to be registered.

III. *First.* The register is authorized and required to register memorials of the following deeds.

Deeds of sale and gift of real property.

Second. Deeds of sale, or gift, of lands, houses, and other real property.

Mortgages and incumbrances, and certificates of the discharge of them.

Third. Deeds of mortgage on land, houses, and other real property, as well as certificates of the discharge of such incumbrances.

Limited assignments and temporary transfers.

Fourth. Leases and limited assignments of land, houses, and other real property, including generally all conveyances used for the temporary transfer of real property.

Wills.

Fifth. *Wusseatnamahs* or wills.

Authorities to women to adopt sons after the death of their husbands.

Sixth. Written authorities from husbands to their wives to adopt sons after their (the husbands') demise.

Option left of registering any of the deeds specified in the preceding sec-

IV. It shall be left to the option of all persons to register or not, as they may think proper, any of the descriptions of deeds specified in the preceding section, that have been executed,

tions executed or that may be executed prior to 1st January 1796.

executed, or which may be executed, prior to the 1st of January 1796. The not registering such deeds, shall in no wise operate to the prejudice of the rights of the parties thereto, which shall remain the same as if this regulation had never been enacted.

Deeds specified in the three last clauses of Section III. whether executed before or after 1st January 1796, may be registered or not at the option of the parties.

V. It shall also be left to the option of all persons to register or not, as they may think proper, the several descriptions of deeds specified in clauses fourth, fifth, sixth, of Section 3, whether executed previous or subsequent to the 1st January 1796. The not registering of the deeds specified in those three clauses, shall in no wise operate to the prejudice of the rights of the parties thereto, which shall remain the same as if this regulation had never been enacted.

Deeds of sale or gift executed subsequent to the 1st January 1796.

VI. *First.* Every deed of sale, or gift, of the description specified in clause second, Section 3, that may be executed on or after the 1st January 1796, and a memorial of which shall be duly registered according to this regulation, shall, provided its authenticity be established to the satisfaction of the court, invalidate any other deed of sale or gift for the same property, executed subsequent to the said date which may not have been registered, and whether such second or other deed shall have been executed prior or subsequent to the registered deed.

Deeds of mortgage executed subsequent to the 1st January 1796, duly registered, to be discharged in preference to mortgages granted subsequent to that date, not registered.

Second. Every deed of mortgage of the description specified in clause third, Section 3, that may be executed on or after the 1st January 1796, and a memorial of which shall be duly registered according to this regulation, and provided its authenticity be established to the satisfaction of the court, shall be satisfied in preference to any other mortgage on the same property executed subsequent to the said date which may not have been registered, and whether such second or other mortgage shall have been executed prior or subsequent to the registered mortgage.

Qualification of the rules in the two preceding clauses applicable to cases in which persons may purchase, take on gift, or mortgage property, knowing it to have been previously sold, given, or mortgaged subsequent to the 1st January 1796.

Third. It being the object, however, of the rules in the two preceding clauses, to prevent persons being defrauded by purchasing, or receiving in gift, or taking in mortgage, real property which may have been before sold, given, or mortgaged, subsequent to the 1st January 1796, and as persons can never suffer such imposition when they are apprized of the previous transfer or mortgage of the property, it is to be understood, that if any person shall purchase, receive in gift, or take in mortgage, any real property, knowing such property to have been previously sold, given, or mortgaged, to any other person subsequent to the 1st January 1796, and that the deed of sale, gift, or mortgage has not been registered, and shall register his own deed, in such case the deed of sale, gift, or mortgage of such subsequent purchaser, donee, or mortgagee, which may have been registered, shall not from the registry of it, invalidate, or be discharged in preference to the unregistered deed of sale, gift, or mortgage, first executed, provided the authenticity of the latter be established to the satisfaction of the court.

In what office deeds are to be registered.

Provision for cases in which the property may be situated in two or more jurisdictions.

VII. The registry of all deeds shall be made in the register office of the *zillah* or city in which the property affected by them may be situated, and if the property be situated in the jurisdictions of two or more of the courts of *dewanny adawlut*, the deeds affecting it shall be registered in the office of each jurisdiction.

Each description of deeds to be registered in a separate book, paged and attested as herein directed.

VIII*. *First.* Each species of deed shall be registered in a separate book, each leaf of which shall be paged, *and be attested by the judge of the* dewanny adawlut *of the* zillah *or city*, who shall note in his own handwriting on the last page of each book, the number of pages contained in each book, and attest the note with his official signature. No register shall be deemed authentic, excepting such as shall be so paged and attested.

Deeds registered to be numbered.

Date of the registry, &c. to be noted in the margin of the register.

Registers to be deposited in court.

Second. Every deed entered in a register book, shall be numbered, and the date of the month and the year, as well as the time of the day when every deed may be registered, shall be noted in the margin of the register books, which shall be deposited amongst the records of the *dewanny adawlut*.

Forms to be observed in the registry of deeds.

IX. *First.* The following forms shall be observed in the registry of deeds.

Forms.

Second. The person or persons executing the deed, or his or their authorized representative, with one or more of the witnesses to the execution of it, shall attend at the register office, and prove by oath before the register, the due execution of the deed; upon which,

* Rescinded by clause first, Section 6, Regulation XX. 1812.

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the register shall cause an exact copy of the deed to be entered in the proper register book, and, after having caused it to be carefully compared with the original, shall attest the copy with his signature, and shall also cause the parties, or their authorized representatives in attendance, to subscribe their signatures to the copy, in the presence of two creditable witnesses, (whose names shall also be subscribed thereto,) and shall then return the original, with a certificate under his signature endorsed thereon, specifying the date, and the time of the day on which such deed shall have been so registered, with references to the book containing the registry thereof, and the page and number under which the same shall have been entered therein.

Certificates of the registry of deeds to be considered as evidence of their registry.

X. The certificate of the register, endorsed agreeably to the forms described in clause second of the preceding section, shall be considered in all courts of justice to be sufficient evidence of the registry.

Register to allow all persons to inspect the register books.

To grant copies of deeds.

Copies of registered deeds lost or not forthcoming to be considered by the courts of judicature as evidence of the originals, the execution of the latter being proved by the subscribing witnesses.

XI. The register shall on application being made to him, allow all persons to inspect the register books, as well as grant copies of all deeds registered by him to persons whom they may concern; and such copies, in the event of the originals being lost, destroyed, or not forthcoming, shall be received as sufficient evidence of such deeds in all courts of justice whatever, proof being made by the subscribing witnesses to the original deed, that the original was duly executed.

Persons counterfeiting or falsifying entries in the register books or certificates to be prosecuted criminally.

XII. If any person or persons shall at any time be suspected, on sufficient grounds for commitment, of counterfeiting or falsifying any entry in any of the register books ordered to be kept, or any certificate such as is directed to be granted, by this regulation, he or they shall be prosecuted on the part of Government in the criminal court of judicature, and the several registers shall, as agents for the prosecution, adopt every legal measure in their power for the proof of the crime, and the due execution of the laws against the offender.

Hours for the registry of deeds.

XIII. Every register shall attend at his office for the dispatch of all business belonging thereto, during certain specified hours each day, between sunrise and sunset, (Sundays and holidays excepted,) and after determining the particular hours of such attendance, he shall affix a written notice thereof in some conspicuous part of his office for general information.

Fee to be allowed to the register for registering deeds, furnishing copies, and making searches.

Register may refuse to perform the official acts required of him until the fee be paid.

To defray the expence of the office from the fees.

XIV. The register shall be allowed a fee of two rupees for every deed registered by him, to be paid by the party causing the same to be registered, and no more; a fee of one fee for every copy furnished of a deed registered by him, to be paid by the party applying for such copy, and no more; and a fee of half a rupee for every search made on an inspection of the register, to be paid by the party inspecting the same, and no more. The register is authorized to refuse the official acts required from him until these fees be paid, and from such fees he shall provide the necessary native officers to make the entries and copies directed, as well as the requisite stationery.

Registers may appoint deputies to officiate for them in the cases and under the rules herein specified.

XV. The several registers are permitted, in case of absence from their stations, sickness, or any other disqualification from personal attendance to the duties of their office, to appoint (with the approbation of the judge to whom they may be registers respectively) a deputy, being a covenanted servant of the Company, and duly qualified, to act for them; and such deputy, so appointed, and approved, after taking a similar oath to that prescribed for the register, shall be authorized to perform the several acts which the register is hereby empowered to perform. This permission however is to be expressly confined to the cases stated, and the registers when present at their stations, are not to be allowed to employ any deputy, but are to be required to discharge personally, the duties of the office committed to them.

Regulation to be in force from the 1st January 1796, and translate of it to be sent to all the *cauzies* of the provinces.

XVI. This regulation is to be in force from the 1st January 1796, and the judges of the several *zillahs* and cities in Bengal and Orissa, are to transmit a copy of the Persian and Bengal translate of it to every *cauzy* in their jurisdiction; and the judges of the *zillahs* in Behar, and of the city of Patna, are to transmit a copy of the Persian translate of it, to each of the *cauzies* in their respective jurisdictions.

A. D. 1795. REGULATION XXVIII.

A REGULATION *for extending to the Province of Benares, Regulation XXXVI.* 1793, *entitled, "A Regulation for establishing a Registry for Wills, and Deeds, for the Transfer or Mortgage of real Property."*—PASSED *by the Governor General in Council, on the* 27*th March* 1795; *corresponding with the* 16*th Chyte* 1201 *Bengal era; the* 22*d Chyte* 1202 *Fussily; the* 16*th Chyte* 1202 *Willaity; the* 22*d Chyte* 1852 *Sumbut; and the* 5*th Ramzaan* 1209 *Higeree.*

Preamble.

IT being necessary, for reasons similar to those stated in the preamble to Regulation XXXVI. 1793, for establishing offices for registering wills, and deeds, for the transfer or mortgage of real property, in the provinces of Bengal, Behar, and Orissa, that offices for the registry of such wills and deeds should be established also in the province of Benares, the following rule has been enacted.

Regulation XXXVI. 1793, extended to the province of Benares.

II. An office shall be established in the city of Benares, and in the *zillahs* of Mirzapore, Ghazeepore, and Juanpore, for the registry of wills, and deeds, for the transfer or mortgage of real property, under the rules prescribed in Regulation XXXVI. 1793, for establishing similar offices in the cities and *zillahs* in the provinces of Bengal, Behar, and Orissa.

A. D. 1803. REGULATION XVII.

A REGULATION *for establishing a Registry for Wills and Deeds, for the Transfer or Mortgage of real Property, in the Provinces ceded by the Nawaub Vizier to the Honorable the English East India Company.*—PASSED *by the Governor General in Council, on the* 24*th March* 1803; *corresponding with the* 12*th Chyte* 1209 *Bengal era; the* 16*th Chyte* 1210 *Fussily; the* 12*th Chyte* 1210 *Willaity; the* 16*th Chyte* 1860 *Sumbut; and the* 29*th Zekaad* 1217 *Higeree.*

Preamble.

TO give security to the titles and rights of persons purchasing real property, or receiving such property in gift, or advancing money on the mortgage of it, or taking it on lease, or other limited assignment; to prevent individuals being defrauded by buying, or receiving in gift, or lending money on mortgage, or taking on lease any such property that may have been so previously disposed of, or pledged; to afford persons the means of obviating, as far as may be practicable, litigation respecting the authenticity of their wills, or any written authority they may grant to their wives to adopt sons after their death; and that individuals may be able to provide against any injury to their rights or property by the loss or destruction of deeds, relating to transactions of the nature of those above specified, the following rules have been enacted.

An office for the registry of deeds to be established in each *zillah*.

To be superintended by the register of the *zillah*.

II. An office for the registry of deeds, shall be established in each zillah. The superintendence of the office shall be committed to the register of the court of *adawlut*, who shall take and subscribe the following oath, before the judge of the *zillah*, previous to his entering on the execution of the duties of the office.

Oath.

"I, A. B. solemnly swear, that I will truly and faithfully execute the office of register of deeds for the *zillah* of ———; and that I will not, directly nor indirectly, derive any pecuniary or other benefit whatsoever from the said office, excepting such as is, or may be allowed to me by the established regulations. So HELP ME GOD."

Memorials of the following deeds to be registered.

III. *First.* The register is authorized and required to register memorials of the following deeds.

Deeds of sale and gift of real property.

Second. Deeds of sale, or gift, of lands, houses, and other real property.

Mortgages and incumbrances, and certificates of the discharge of them.

Third. Deeds of mortgage on land, houses, and other real property; as well as certificates of the discharge of such incumbrances.

Limited assignments and temporary transfers.

Fourth. Leases and limited assignments of land, houses, and other real property, including generally, all conveyances used for the temporary transfer of real property.

Wills.

Fifth. *Wusseatnamehs* or wills.

Authorities to women to adopt sons after the death of their husbands.

Sixth. Written authorities from husbands to their wives to adopt sons, after their (the husband's) demise.

Options left of registering deeds antecedent to the

IV. It shall be left to the option of all persons to register, or not, as they may think proper, any of the descriptions of deeds specified in the preceding section, that have been executed

operation of this regulation.

cuted, or which may be executed, prior to the period fixed for the operation of this regulation. The not registering such deeds, shall in no wise operate to the prejudice of the rights of the parties thereto, which shall remain the same as if this regulation had never been enacted.

Deeds described in the three last clauses of Section 3, whether executed before or after the period herein specified, may be registered or not, at the option of the parties.

V. It shall also be left to the option of all persons to register or not, as they may think proper, the several descriptions of deeds specified in clauses fourth, fifth, and sixth, of Section 3, whether executed previous or subsequent to the period fixed for the operation of this regulation. The not registering of the deeds specified in those three clauses, shall in no wise operate to the prejudice of the rights of the parties thereto; which shall remain the same as if this regulation had never been enacted.

Deeds of sale, or gift, executed subsequent to the operation of this regulation.

VI. *First.* Every deed of sale, or gift, of the description specified in clause second, Section 3, that may be executed on, or after the period fixed for the operation of this regulation, and a memorial of which shall be duly registered according to this regulation, shall, provided its authenticity be established to the satisfaction of the court, invalidate any other deed of sale or gift for the same property, executed subsequent to the said date, which may not have been registered; and whether such second or other deed shall have been executed prior or subseqent to the registered deed.

Deeds of mortgage executed subsequent to the operation of this regulation, duly registered, to be discharged in preference to mortgages granted subsequent to that date, not registered.

Second. Every deed of mortgage of the description specified in clause third, Section 3, that may be executed on, or after the period fixed for the operation of this regulation, and a memorial of which shall be duly registered according to this regulation, and provided its authenticity be established to the satisfaction of the court, shall be satisfied in preference to any other mortgage on the same property, executed subsequent to the said date, which may not have been registered; and whether such second or other mortgage shall have been executed prior or subsequent to the registered mortgage.

Qualification of the rules in the two preceding clauses applicable to cases in which persons may purchase, take on gift, or mortgage property, knowing it to have been previously sold, given, or mortgaged subsequent to the operation of this regulation.

Third. It being the object, however, of the rules in the two preceding clauses, to prevent persons being defrauded by purchasing, or receiving in gift, or taking in mortgage, real property which may have been before sold, given, or mortgaged subsequent to the period fixed for the operation of this regulation; and as persons can never suffer such imposition when they are apprized of the previous transfer or mortgage of the property; it is to be understood, that if any person shall purchase, receive in gift, or take in mortgage, any real property, knowing such property to have been previously sold, given, or mortgaged, to any other person subsequent to the above period; and that the deed of sale, gift, or mortgage, has not been registered, and shall register his own deed; in such case the deed of sale, gift, or mortgage of such subsequent purchaser, donee, or mortgagee, which may have been registered, shall not, from the registry of it, invalidate or be discharged in preference to the unregistered deed of sale, gift, or mortgage, first executed; provided the authenticity of the latter be established to the satisfaction of the court.

In what office deeds are to be registered.

Provisions for cases in which the property may be situated in two or more jurisdictions.

VII. The registry of all deeds shall be made in the register-office of the *zillah* in which the property affected by them may be situated; and if the property be situated in the jurisdictions of two or more of the courts of *adawlut*, the deeds affecting it shall be registered in the office of each jurisdiction.

Each description of deeds to be registered in a separate book, paged and attested as herein directed.

VIII. *First.* Each species of deed shall be registered in a separate book, each leaf of which shall be paged, and be attested by the judge of the *adawlut* of the *zillah*, who shall note in his own handwriting, on the last page of each book, the number of pages contained in each book, and attest the note with his official signature. No register shall be deemed authentic, excepting such as shall be so paged and attested.

Deeds how to be entered.

Second. Every deed entered in a register book, shall be numbered; and the date of the month and the year, as well as the time of the day when every deed may be registered, shall be noted in the margin of the register books; which shall be deposited amongst the records of the courts of *adawlut*.

Forms to be observed in the registry of deeds.

Forms.

IX. *First.* The following forms shall be observed in the registry of deeds.

Second. The person or persons executing the deed, or his or their authorized representative, with one or more of the witnesses to the execution of it, shall attend at the register-office, and prove by oath before the register, the due execution of the deed; upon which, the

register

register shall cause an exact copy of the deed to be entered in the proper register book; and after having caused it to be carefully compared with the original, shall attest the copy with his signature; and shall also cause the parties, or their authorized representatives in attendance, to subscribe their signatures to the copy, in the presence of two credible witnesses (whose names shall also be subscribed thereto); and shall then return the original, with a certificate under his signature endorsed thereon, specifying the date, and the time of the day on which such deed shall have been so registered; with references to the book containing the registry thereof, and the page and number, under which the same shall have been entered therein.

Certificates of the registry of deeds to be considered as evidence of their registry.

X. The certificate of the register, endorsed agreeably to the forms described in clause second of the preceding section, shall be considered in all courts of justice to be sufficient evidence of the registry.

Register to allow all persons to inspect the register books.
To grant copies of deeds.
Copies of registered deeds lost, or not forthcoming, to be considered by the courts of judicature as evidence of the originals.

XI. The register shall, on application being made to him, allow all persons to inspect the register books, as well as grant copies of all deeds registered by him to persons whom they may concern; and such copies, in the event of the originals being lost, destroyed, or not forthcoming, shall be received as sufficient evidence of such deeds in all courts of justice whatever; proof being made by the subscribing witnesses to the original deed, that the original was duly executed.

Persons counterfeiting or falsifying entries in the register books or certificates to be prosecuted criminally.

XII. If any person or persons shall at any time be suspected, on sufficient grounds for commitment, of counterfeiting or falsifying any entry in any of the register books ordered to be kept, or any certificate such as is directed to be granted, by this regulation, he or they shall be prosecuted on the part of Government, in the criminal court of judicature; and the several registers shall, as agents for the prosecution, adopt every legal measure in their power for the proof of the crime, and the due execution of the laws against the offender.

Hours for the registry of deeds.

XIII. Every register shall attend at his office for the despatch of all business belonging thereto, during certain specified hours each day, between sunrise and sunset (Sundays and holidays excepted;) and after determining the particular hours of such attendance, he shall affix a written notice thereof, in some conspicuous part of his office for general information.

Fee to be allowed to the register for registering deeds, in furnishing copies, and making searches.

Register may refuse to perform the official acts required of him until the fee be paid.
To defray the expenses of the office from the fees.

XIV. The register shall be allowed a fee of two rupees for every deed registered by him, to be paid by the party causing the same to be registered, and no more; a fee of one rupee for every copy furnished of a deed registered by him, to be paid by the party applying for such copy, and no more; and a fee of half a rupee for every search made on an inspection of the register, to be paid by the party inspecting the same, and no more. The register is authorized to refuse the official acts required from him until these fees be paid; and from such fees he shall provide the necessary native officers to make the entries and copies directed, as well as the requisite stationery.

Registers may appoint the deputies to officiate for them in the cases and under the rules herein specified.

XV. The several registers are permitted, in case of absence from their stations, sickness, or any other disqualification from personal attendance to the duties of their office, to appoint (with the approbation of the judge to whom they may be registers respectively) a deputy, being a covenanted servant of the Company, and duly qualified, to act for them; and such deputy so appointed and approved, after taking a similar oath to that prescribed for the register, shall be authorized to perform the several acts which the register is hereby empowered to perform. This permission however is to be expressly confined to the cases stated, and the registers, when present at their stations, are not to be allowed to employ any deputy, but are to be required to discharge personally, the duties of the office committed to them.

Regulation when to be in force.

XVI. The operation of this regulation shall not commence, until the period of three years shall have elapsed, from the date of its being passed; and the judges of the several *zillahs* are to transmit a copy of the Persian translate of it, to every *cauzy* in their jurisdiction.

A. D. 1812. REGULATION XX.

A REGULATION *for modifying some of the Provisions contained in the existing Regulations respecting the Registry of Deeds, and for establishing a Register of Engagements for the Delivery of Indigo.*—PASSED *by the Governor General in Council, on the* 17*th October* 1812 ; *corresponding with the* 2*d Kautick* 1219 *Bengal era ; the* 27*th Assin* 1220 *Fussily ; the* 3*d Kautick* 1220 *Willaity ; the* 12*th Assin* 1869 *Sumbut ; and the* 10*th Shawul* 1227 *Higeree.*

WHEREAS Regulation XXXVI. 1793, extended to Benares by Regulation XXVIII. 1795, and Regulation XVII. 1803, contain provisions for registering memorials of deeds of sale or gift of lands, houses, and other real property ; of deeds of mortgage on land, houses, and other real property, as well as certificates of the discharge of such incumbrances ; of leases and limited assignments of land, houses, and other real property, including generally all conveyances used for the temporary transfer of real property ; of *wusseat-namahs* or wills, and written authorities from husbands to their wives to adopt sons on their (the husbands') demise ; and whereas inconvenience has been experienced from the delay attendant on the forms at present established for registering the said deeds ; and whereas it will tend to obviate disputes and prevent frauds in the performance of engagements for the delivery of indigo, to afford to the parties, or either of them, the means of registering such engagements ; and whereas the convenience of the public will be further promoted by the establishment of a separate register of obligations for the payment of money, the following rules have been enacted, to be in force from the period hereafter specified, throughout the territories dependant on the presidency of Fort William. Preamble.

II. *First.* Whenever any person may be desirous of procuring any deed of the description of those specified in Section 3, Regulation XXXVI. 1793, and in the corresponding rules of Regulation XVII. 1803, to be registered, he shall attend either in person, or by an authorized representative, at the office of the register, with the original deed and an exact copy of it, attested by one at least of the parties to the instrument, and by one of the witnesses to the execution of it. The register, after having adopted the prescribed measures for ascertaining the validity of the original, and having compared with it the copy above required to be furnished, shall without loss of time specify on the back of the latter, the date and hour of the day on which it was presented for the purpose of being registered ; shall cause it to be filed according to the order of time in which it may have been received ; and entered in the register book according to the same order, certifying in the said book the day and hour on which the entry was completed and inspected by him. Rules to be observed in registering deeds.

Second. On completion of the entry in the manner above stated, the register shall return the original deed to the person from whom it may have been received, with a certificate under his signature endorsed on the deed, specifying the date and the hour of the day on which it was registered, and the page on which it is entered in the register book. Original deed to be returned, with a certificate endorsed thereon.

Third. The entry in the register book shall, in all practicable cases, be made at the time of endorsing the copy required to be furnished ; but the insertion of it shall on no account be postponed beyond the day on which the endorsement may be made. The entry in the register book to be made within the day on which the endorsement is made.

All persons allowed to inspect the filed copies and register book.

Fourth. The register shall, on application being made to him, allow all persons to inspect the copies of deeds attested, endorsed, and filed in the manner prescribed in the preceding clause, as well as the register books.

Copies to be granted, and such copies to be received in evidence, in case of the originals being lost or destroyed.

Fifth. In like manner, the register shall, on application being made to him, grant copies of all engagements registered by him to persons, whom they may concern; and such copies, in the event of the originals being lost, destroyed, or not forthcoming, shall be received as sufficient evidence of such deeds in all courts of judicature whatever; proof being made by the subscribing witnesses to the original deed, that the original was duly executed.

Engagements contracted with indigo planters for delivery of indigo plant to be registered.

III. *First.* The person holding the office of register deeds for the conveyance of landed property, is likewise hereby authorized and required, from and after the 1st of January 1813, corresponding with the 19th Poose 1219 Bengal era; the 14th Poose 1220 Fussily; the 20th Poose 1220 Willaity; the 14th Poose 1869 Sumbut; and the 27th Zeheza 1227 Higeree, to register engagements contracted by indigo planters, whether Europeans or natives, with the *ryots* and others for the delivery of the indigo plant.

A separate register book to be kept for such engagements.

Second. A separate register book shall be kept for the registry of contracts of the description of those specified in the preceding clause.

It shall be optional with persons contracting indigo engagements to register them or not, but registered engagements shall be satisfied in preference to others.

Third. It shall be optional with persons contracting engagements for the delivery of indigo to register them, or not, as they may judge proper; but every engagement contracted for the delivery of indigo after the 1st day of January 1813, which may be duly registered according to the provisions of this regulation, shall, in case it be in other respects a legal and *bonâ fide* engagement, be satisfied in preference to every other contract for the delivery of indigo, being the produce of the same ground, which may not have been registered, whether the last mentioned deed shall have been executed previously or subsequently to the registered deed.

Rules for the registry of such engagements.

Fourth. Whenever any person may be desirous of procuring any engagement for the delivery of indigo to be registered, he shall attend either in person, or by an authorized representative, at the office of the register, with the original deed and an exact copy of it, attested by one at least of the parties to the instrument, and by one of the witnesses to the execution of it. The register, on having ascertained by evidence on oath that the original was duly executed, and having compared with it the copy above required to be furnished, shall without loss of time, specify on the back of the latter, the date and hour of the day on which it was presented for the purpose of being registered, and shall cause it to be filed according to the order of time in which it may have been received, and entered in the register book according to the same order; certifying in the said book, the hour and day on which the entry was completed and inspected by him. The entry in the register book, shall in all practicable cases, be made at the time of endorsing the copy required to be furnished; but the insertion of it shall on no account be postponed beyond the day on which the endorsement may be made.

The original deed to be returned, with a certificate endorsed thereon.

Fifth. On completion of the entry in the manner above stated, the register shall return the original deed to the person from whom it may have been received, with a certificate under his signature endorsed on the deed, specifying the date, and the hour of the day on which it was registered, and the page on which it is entered in the register book.

Sixth. The certificate of the register, endorsed on the original deed, in the manner stated in the preceding clause, shall be deemed in all courts of judicature, sufficient evidence of the registry.

All persons allowed to inspect the filed copies and register book.

Seventh. The register shall, on application being made to him, allow all persons to inspect the copies of engagements for the delivery of indigo attested, endorsed, and filed in the manner prescribed in clause fourth, of the present section of this regulation, as well as the register book in which such engagements may have been entered.

Copies of registered engagements shall be granted on application, and such copies to be received in evidence, should the originals be lost or destroyed.

Eighth. In like manner the register shall, on application being made to him, grant copies of all engagements registered by him to persons, whom they may concern; and such copies, in the event of the originals being lost, destroyed, or not forthcoming, shall be received as sufficient evidence of such deeds in all courts of judicature whatever; proof being made by the subscribing witnesses to the original deed, that the original was duly executed.

IV.

IV. The register shall be allowed a fee of two rupees for every engagement registered by him, to be paid by the party causing the same to be registered, and no more; a fee of one rupee for every copy furnished of a deed registered by him, to be paid by the party applying for such copy, and no more; and a fee of half a rupee for every search made on an inspection of the register book, to be paid by the party inspecting the same, and no more. The register is authorized to refuse the official acts required from him until these fees be paid, and from such fees he shall provide the necessary native officers to make the entries and copies directed, as well as the requisite stationery.

Fees allowed to the register for each engagement.

V. *First.* The person holding the office of register of deeds, is likewise hereby authorized and required, from and after the 1st of January 1813, corresponding with the 19th Poose 1219 Bengal era; the 14th Poose 1220 Fussily; the 20th Poose 1220 Willaity; the 14th Poose 1869 Sumbut; and the 27th Zeheza 1227 Higeree; to register bonds, promissory notes, and generally all obligations for the payment of money. Provided however, that such registry shall only be made on the application, in person or by representative, of the party by whom the said bonds, promissory notes, or other obligations may have been executed.

Registry of bonds, notes or other money engagements.

Second. A separate register book shall be kept for the registry of obligations of the description of those specified in the preceding clause.

A separate register book to be kept for such obligations.

Third. The rules contained in clauses fourth, fifth, sixth, seventh, and eighth, of Sections 3. and 4. of the present regulation, shall be considered applicable to the registry of bonds, promissory notes, and other obligations for the payment of money, with the restriction already stated, respecting the party on whose application such registry is to be made.

What rules applicable to the registry of such obligations.

VI. *First.* Such part of Section 8, Regulation XXXVI. 1793, and of the corresponding rules in Regulation XVII. 1803, as requires that each leaf of the different register book shall be attested by the judges of the *zillah* or city court, is hereby rescinded.

Certain part of Section 8, Regulation XXXVI. 1793, rescinded.

Second. In order at the same time to establish a proper control over the conduct of the public officers entrusted with the discharge of the duty of registering deeds, it is hereby enacted, that the endorsement on the copies required to be kept of the said deeds by the provisions of this regulation, and the transcripts thereof in the register book, shall be both countersigned by the judge of the *adawlut*, within one month of the date of registry; unless prevented by absence; and in that case within one month after his return.

The endorsement on copies of deeds kept under this regulation, and the transcripts thereof in the register book, to be countersigned by the judge, and at what period.

Third. On affixing his name to the copies of the deeds and to the register books, it shall be the duty of the judge to report to the secretary to Government in the judicial department, for the information of the Governor General in Council, any errors or irregularities, or any deviation from the established regulations, which he may have discovered in the conduct of the business confided to the register of deeds, or to his native officers.

The judge to report for the information of Government, any irregularities he may discover in the conduct of the business.

VII. It is hereby declared, that the registers are not warranted in registering deeds of any description, excepting those specified in Regulation XXXVI. 1793, and Regulation XVII. 1803, and in the present regulation. The register books shall in future be uniformly made of English paper, and carefully bound.

Registers precluded from registering any deeds but those prescribed in the regulations. The register books to be of English paper and bound.

VIII. It shall be the duty of the registers to keep an accurate account, in the English language, of the fees received by them on account of the registry of deeds.

Registers to keep an account of fees received.

IX. It shall likewise be the duty of the register to prepare, as soon after the expiration of each English year as possible, an index to the register books.

Registers to prepare an annual index to the register books.

X. The registers are also hereby required, not only to preserve with care the powers of attorney which may be produced by persons attending on the behalf of others to procure deeds to be registered, but likewise to cause all such powers to be regularly entered in a separate book, to be kept for that purpose.

Registers to preserve carefully, and enter in a book, all powers of attorney for registering deeds.

A. D. 1824. REGULATION IV.

A REGULATION *to provide more effectually for the Office of Register of Deeds.*—PASSED *by the Governor General in Council, on the* 12*th February* 1824; *corresponding with the* 1*st Phaugun* 1230 *Bengal era; the* 27*th Maug* 1231 *Fussily; the* 2*d Phaugun* 1231 *Willaity; the* 12*th Maug* 1880 *Sumbut; and the* 11*th Jumadee-us-Sanee* 1239 *Higeree.*

Preamble.

BY Section 15, Regulation XXXVI. 1793, and the corresponding provisions in Regulations XXVIII. 1795, XII. 1805, and XVII. 1803, for Benares, Cuttack, and the ceded and conquered provinces, the *zillah* and city registers, who are also registers of deeds under those regulations, are permitted, in case of absence from their stations, sickness, or any other disqualification from personal attendance, to appoint (with the approbation of the judge to whom they may be registers respectively) a deputy, being a covenanted servant of the Company, to act for them in the registry of deeds; and such deputy, so appointed and approved, after taking a similar oath to that prescribed for the register, is authorized to perform the several acts which the register is empowered to perform, under the regulations above mentioned, and such as have been since enacted relative to the registry of deeds; but much inconvenience has been experienced by the community in consequence of registers, who may be on leave of absence, on deputation, or otherwise disqualified, omitting to appoint a deputy, in the mode prescribed; and also in consequence of occasional vacancies in the office of *zillah* or city register, in which case no provision is made by the existing regulations for the performance of the duty of register of deeds. With a view therefore to provide against the recurrence of such inconvenience, and to supply what is defective in the existing regulations, the following rules have been enacted, to be in force from the date of their promulgation, in the provinces immediately subject to the presidency of Fort William.

The office for the registry of deeds to be established at the *sudder* station of the *zillah* or city court.

Superintended by the register.

If there be more than one register by the register employed at the *sudder* station.

If the register be prevented from performing this duty by sickness, &c. may appoint a deputy.

With approbation of the judge.

Deputy to be a covenanted servant.

Must take oath.

II. The office for the registry of deeds in the several *zillahs* and cities, which is provided for by Regulation XXXVI. 1793, extended to Benares by Regulation XXVIII. 1795, and to Cuttack by Section 32. of Regulation XII. 1805, and re-enacted for the ceded provinces in Regulation XVII. 1803, extended to the conquered provinces and Bundlekund by clause first, Section 17, Regulation VIII. 1805, shall in all cases be established at the station of the *zillah* or city court, and shall, as directed by the regulations above mentioned, be superintended by the register of the *zillah* or city court, or where there may be more registers than one, by the register employed at the station of the *zillah* or city court, so long as he may continue to reside at such station, and as already required by the regulations in force, he shall personally discharge the duties of the office committed to him, whilst present at the station, unless prevented by sickness, or otherwise; in which case, as well as in all cases of temporary absence from the station, he is permitted, as heretofore, with the approbation of the judge of the *zillah* or city court to which he may be attached, to appoint a deputy, being a covenanted servant of the Company, and duly qualified to act for him; who after taking an oath, similar to that prescribed for the register of deeds, is authorized to perform the several acts which the register is empowered to perform.

III.

If register vested with superintendence of the office be absent from sudder station, and have not appointed a deputy, the judge authorized to appoint a deputy.

III. Whenever a *zillah* or city register vested with the superintendence of the regisrtry office, may be absent from the station where the office is established without having appointed a deputy, in pursuance of the foregoing section, the judge of the station is hereby authorized to appoint some duly qualified covenanted servant of the Company to act as deputy register of deeds, and the deputy so appointed, after being duly sworn, shall be authorized to perform the prescribed duties of the office.

Judge shall appoint a qualified person being a covenanted servant to act as register of deeds, when from a vacancy in an office of register, a deputy cannot be appointed.

IV. It shall moreover be the duty of the *zillah* or city judge to appoint a qualified person, being a covenanted servant of the Company, to officiate as register of deeds, whenever, from a vacancy in the office of register, the nomination of a deputy cannot take effect agreeably to the preceding section.

If there be no qualified person at the station, the judge is authorized and required to perform the duty himself.

V. In the event of there being no covenanted servant at the station, to whom, in the cases mentioned in the two preceding sections, the judge may deem it proper to confide the office of registering deeds, he is himself hereby authorized and required to perform the prescribed duties of the office.

Registry of deeds hitherto duly executed by other covenanted servant than the register, with the permission of judge, in absence of register, equally valid, as if executed by register.

VI. The registry of all deeds which may have been hitherto duly executed by a *zillah* or city judge, or other covenanted servant, with his sanction, in the absence of the register, is hereby declared to be of equal validity, as if it had been executed by the *zillah* or city register.

Deputy or acting register to receive the fees.

Fees to be carried to the credit of Government when the judge registers deeds, after defraying the necessary expenses of the establishment.

VII. The deputy or officiating register appointed under Sections 2, 3, or 4, of this regulation shall receive, during the time of his officiating, the fees authorized by the regulations; but whenever the judge may perform the duty, under Section 5, the net amount of such fees, after defraying the necessary expence of the establishment, shall be carried to the credit of Government.

A. D. 1793. REGULATION XII.

A REGULATION *for the Appointment of the Hindoo and Mahommedan Law Officers of the civil and criminal Courts of Judicature.*—PASSED *by the Governor General in Council, on the* 1st *May* 1793; *corresponding with the* 21st *Bysaak* 1200 *Bengal era; the* 6th *Bysaak* 1200 *Fussily; the* 21st *Bysaak* 1200 *Willaity; the* 6th *Bysaak* 1850 *Sumbut; and the* 19th *Ramzaan* 1207 *Higeree.*

Preamble.

IT is essential to the due administration of justice, that the law offices in the courts of judicature, should be held by men of integrity, well versed in the laws, and that they should be so constituted, as to render persons possessing the requisite qualifications, solicitous to obtain them, and to afford every encouragement to such persons, when appointed, to continue to discharge their duty with uprightness. It is likewise necessary upon general principles, that the law officers should be subject to penalties for misconduct, that they may be deterred from abusing their important trusts. The following rules have been accordingly enacted.

Law officers of the civil and criminal courts, to be appointed by the Governor General in Council, and not to be removable but for incapacity, or misconduct in their public, or profligacy in their private, character, proved to his satisfaction.

II. The law officers of the Sudder Dewanny Adawlut, the Nizamut Adawlut, the provincial courts of appeal, the courts of circuit, and the *zillah* and city courts, are to be appointed by the Governor General in Council, and shall not be removable but for incapacity, or misconduct in the performance of their public duty, or for any act of flagrant profligacy in their private conduct, proved to his satisfaction.

Qualifications for the law offices.

III. The law offices in the several courts, are to be conferred on persons well versed in the laws, and of unblemished moral characters.

Mahommedan law officers of the Sudder Dewanny Adawlut, and the provincial courts of appeal, to be the law officers of the Nizamut Adawlut, and courts of circuit.

IV. The *cauzy* and *mufties* to the Sudder Dewanny Adawlut, shall be the *cauzy* and *mufties* to the Nizamut Adawlut; and the *cauzy* and *mufty* of the provincial courts of appeal of each division, shall be the *cauzy* and *mufty* to the court of circuit of the same division.

Oath to be taken by the Mahommedan law officers of the civil courts of judicature, previous to their entering upon their offices.

V. *First.* The Mahommedan law officers of the courts of civil judicature, previous to entering upon the execution of the duties of their offices, are to take and subscribe the following oath before the court to which they may be respectively attached.

"I A. B. *cauzy* (or *mufty*) to the Sudder Dewanny Adawlut, (or the provincial court of appeal for the division of ——, or the *dewanny adawlut* of the *zillah* or city of ——,) solemnly swear, that I will truly and faithfully perform the duties of *cauzy* (or *mufty*) of this court, according to the best of my knowledge and ability; that I will not receive, directly or indirectly, any present or *nuzzer*, in money or effects of any kind, from any party or person whomsoever, on account of any suit, to be instituted, or which may be depending, or have been decided in the court of which I am *cauzy* (or *mufty*;) and that I will not, directly or indirectly, derive any advantage or emolument from my office, excepting such as the orders of Government do, or may authorize me to receive."

Second*.

Second*. *At the expiration of every six months, that is, on the first of January, and the 1st of July in each year, the* cauzies *and* mufties *of the courts of civil judicature, are to take and subscribe the following oath before their respective courts.*

"*I A. B.* cauzy (*or* mufty) *to the Sudder Dewanny Adawlut, (or the provincial court of appeal for the division of* ———, *or the* dewanny adawlut *of the* zillah *or city of* ———,) *solemnly swear, that from the* 1st *of January to the* 30th *June last, (or from the* 1st *July to the* 31st *December last,) I have truly and faithfully executed the duties of* cauzy (*or* mufty) *of this court, to the best of my knowledge and ability; that I have not received, directly or indirectly, any present or* nuzzer, *in money or effects of any kind, from any party or person whomsoever, on account of any suit, which has been, or is to be instituted, or is depending, or has been decided in the court of which I am* cauzy (*or* mufty); *and that I have not, directly or indirectly, derived any advantage or emolument from my office, excepting such as the orders of Government authorized me to receive.*"

Mahommedan law officers of the Sudder Dewanny Adawlut, and the provincial courts of appeal, to take the oaths in Regulation 9, 1793, as law officers to the criminal courts.

VI. The Mahommedan law officers of the Sudder Dewanny Adawlut, and the provincial courts of appeal, are to take the oaths prescribed in Regulation IX. 1793, in their respective capacities of law officers to the Nizamut Adawlut, and the courts of circuit.

Declaration to be made by the *pundits* to the courts of civil judicature.

VII. The *pundits* to the courts of civil judicature, previous to entering upon the execution of the duties of their offices, are to make and subscribe the following declaration before the courts to which they may be respectively attached.

"I A. B. *pundit* to the Sudder Dewanny Adawlut, (or the provincial court of appeal for the division of ———, or the *dewanny adawlut* of the *zillah* or city of ———,) solemnly declare, that I will truly and faithfully execute the office of *pundit* of this court, according to the best of my knowledge and ability; that I will answer all questions that may be put to me in writing, or orally, by the said court; that I will declare or give in writing, what is in the *Shaster;* that I will not declare or give in writing what is not warranted by the *Shaster;* that if I declare any thing not warranted by the *Shaster*, I shall be deserving of punishment from *Ishwur*. I promise and swear, that I will not receive, directly or indirectly, any present or *nuzzer*, in money or effects of any kind, from any party or person whomsoever, on account of any suit, to be instituted, or which may be depending, or have been decided in the court of which I am *pundit;* and that I will not, directly or indirectly, derive any advantage or emolument from my office, excepting such as the orders of Government do or may authorize me to receive."

Courts how to proceed in charges of corruption or extortion that may be preferred against law officers.

VIII. *First.* The rules prescribed in Section 9, Regulation XIII. 1793, respecting charges of corruption or extortion lodged against the native ministerial officers of the civil and criminal courts, are to be held applicable to charges of a similar nature that may be preferred against the Hindoo or Mahommedan law officers of the several courts, with the following qualifications.

An appeal to lie to the Sudder Dewanny Adawlut from all decisions whatever, passed by the provincial courts of appeal under this section.

Second. An appeal shall lie to the Sudder Dewanny Adawlut, from all decisions which may be passed by the provincial courts of appeal, whereby a charge of corruption or extortion against any law officer may be decreed not proved, or by which any such charge may be adjudged to be proved, whatever may be the amount decreed to be paid, notwithstanding any thing that may be said to the contrary in any regulation passed on this date.

Cases in which decrees passed by the provincial courts, or the *zillah* or city courts on such charges, are not to be enforced.

Third. No decree passed by any *zillah* or city court, or any provincial court of appeal, adjudging a Hindoo or Mahommedan law officer guilty of corruption or extortion, shall be carried into execution, in the event of the law officer against whom such decree may be passed, appealing from the decree, and giving the securities required by Section 12, Regulation V. 1793, and Section 10, Regulation VI. 1793, in cases of appeals from decisions for sums of money passed by those courts respectively, and the execution of which they are empowered to suspend upon such securities being given.

Cases in which the *zillah* or city courts are to transmit decrees adjudging their law officers guilty of corruption or extortion to the Governor General in Council.

Fourth. The *zillah* and city courts are to enforce by the usual process, all decrees that they may pass adjudging their law officers guilty of corruption or extortion, which may not be appealed against within the limited time, and transmit copies of the decrees to the Governor General in Council.

* Rescinded by Sect. 4. Regulation XVIII. 1817.

 Fifth.

Fifth. The provincial courts are to enforce by the usual process, all decrees which they may pass adjudging their own law officers, or the law officers of any *zillah* or city court, guilty of corruption or extortion, that may not be appealed against within the limited period, and transmit copies of the decrees to the Governor General in Council.

Cases in which the provincial courts are to transmit such decrees to the Governor General in Council.

Sixth. The Sudder Dewanny Adawlut is to transmit to the Governor General in Council, a copy of every decree which they may pass adjudging a law officer of any civil or criminal court guilty of corruption or extortion, within one week after it may be given.

Sudder Dewanny Adawlut to transmit such decrees to the Governor General in Council.

Seventh. The Governor General in Council, upon the receipt of any decree adjudging a law officer of a civil or criminal court, guilty of corruption or extortion, which may be transmitted to him under this section, reserves to himself the power of dismissing the offender from his office, or of both dismissing him from his office, and declaring him incapable of exercising any employment under Government. The Governor General in Council, likewise reserves to himself the power of suspending any law officer against whom a charge of corruption or extortion may be preferred, until a final decision shall be passed on the charge, whenever it may appear to him expedient, either upon the representation of any of the courts of judicature, or in consequence of any other information which may come before him.

Power reserved by the Governor General in Council, in cases of law officers being convicted of corruption or extortion.

Eighth. When a provincial court of appeal, or a *zillah* or a city court, shall adjudge a charge of corruption or extortion, that may have been preferred against any law officer, not to be proved, and the prosecutor shall not appeal from the decree within the limited time, the court is to transmit a copy of it to the Governor General in Council. The Sudder Dewanny Adawlut, within the abovementioned period, are to transmit to the Governor General in Council, copies of all decrees which they may pass, whereby any charge of corruption or extortion that may have been preferred against any law officer may be adjudged not proved.

All final decrees adjudging such charges not proved, are to be transmitted to the Governor General in Council.

IX. Upon a vacancy occurring in any law office in a court of judicature, by death or resignation, the court is to report the vacancy to the Governor General in Council, and recommend a person duly qualified to fill it. The Governor General in Council will either appoint the person so recommended, or any other person whom he may deem better qualified for the office.

Courts how to proceed when vacancies occur in the law offices in their respective courts.

A. D. 1793. REGULATION XIII.

A REGULATION *for the Appointment of the ministerial Officers of the civil and criminal Courts of Judicature, and prescribing their respective Duties.*—PASSED *by the Governor General in Council, on the* 1st *May* 1793; *corresponding with the* 21*st Bysaak* 1200 *Bengal era; the* 6*th Bysaak* 1200 *Fussily; the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysaak* 1850 *Sumbut; and the* 19*th Ramzaan* 1207 *Higeree.*

Preamble.

THE following rules have been enacted for the appointment of the ministerial officers of the civil and criminal courts of judicature, and for regulating their respective duties, including also provisions for receiving and trying any charges of corruption or extortion that may be preferred against them, or any private servants or dependants of the judges of the courts.

Courts to appoint their native officers.
Exception to the rule.
To remove them when they may judge it proper.

Nazirs to appoint their own naibs, mirdahs, and peons.
To execute penalty bonds for their good behaviour.

Courts empowered to take similar obligations from the other native officers.

II. The courts of civil and criminal judicature, are to appoint their respective native officers conformably to their establishments, (excepting the* naibs *of the* nazirs, *the* mirdahs, *and the peons,) and are empowered to remove such officers for incapacity, misconduct, or other cause that may appear to them sufficient,* and nominate other persons duly qualified for the appointments. The *nazirs* are to appoint their own *naibs*, and *mirdahs*, and the peons of the courts to which they may respectively belong, and to remove them at their pleasure. The *nazirs* are to enter into a *mochulka* or penal obligation, in such sum as may be required by the courts to which they may be respectively attached, for the good behaviour of the *naibs*, *mirdahs*, and peons, whom they may appoint. The courts are authorized to require similar *mochulkas* or penal obligations, in such sums as they may judge proper, from the other native officers of their respective courts.

Oath to be taken by the registers and their assistants, and other ministerial officers, being covenanted servants of the Company,

III. *First.* The registers to the courts of civil judicature, and their assistants, and all ministerial officers of the courts who may be covenanted servants of the Company, are to be appointed by the Governor General in Council. Previous to entering upon the execution of the duties of their respective offices, they are to take and subscribe the following oath in open court, before the judge or judges of the court to which they may be attached.

"I A. B. register (or assistant to the register, or other officer,) to the Sudder Dewanny Adawlut, (or the provincial court of appeal for the division of————, or the *dewanny adawlut* of the *zillah* or city of————,) solemnly swear, that I will truly and faithfully perform the duties of register (or assistant to the register, or other officer) to this court, according to the best of my knowledge and ability; that I will not receive, directly or indirectly, any present or *nuzzer*, in money or effects of any kind, from any party or person whomsoever, on account of any suit to be instituted, or which may be depending, or have been decided in the court of *adawlut* of which I am appointed register, (or to the register of which I am assistant, or other officer,) that I will not knowingly permit any person or persons under my authority, or in my immediate service, to receive directly or indirectly any present or *nuzzer* in money or effects, from any party or person whomsoever on account of any suit to be instituted, or which may be depending, or have been decided in the court;

* This clause rescinded by Sect. 2, Regulation V. 1804.

that I will not be concerned, directly or indirectly, in the purchase of any goods or commodities in the British dominions in Bengal, for the purpose of remitting money to Europe, nor in any commercial transactions; and that I will not derive, directly or indirectly, any emoluments or advantages from my station, excepting such as the orders of Government do or may authorize me to receive.—So help me God."

Registers to the Sudder Dewanny Adawlut, and the provincial courts of appeal, and other officers being Company's servants, to take the oath in Regulation IX. in their capacity of officers of the criminal courts.

Second. The registers to the Sudder Dewanny Adawlut, and the provincial courts of appeal, and their assistants, and all ministerial officers of those courts, being covenanted servants of the Company, in their respective capacities of registers, and assistants to the registers, or officers, to the Nizamut Adawlut, and the Courts of Circuit, are to take the oath prescribed in Section 35, Regulation IX. 1793.

Oath to be taken by certain of the native officers of the civil and criminal courts.

IV. The *serishtadars*, or other head native officers, *moonshees*, *mohurrers*, and *nazirs*, of the civil and criminal courts, previous to entering upon the execution of the duties of their officers, are to take and subscribe the following oath in open court, before the judge or judges of the court to which they may be attached.

"I A. B. appointed to the office of *serishtadar* (or other head officer, or *moonshee*, *mohurrer*, or *nazir*,) to the Sudder Dewanny Adawlut, or the Nizamut Adawlut (or the provincial court of appeal for the division of———, or the court of circuit for the division of———, or the *dewanny adawlut* of the *zillah* or city of———,) solemnly swear, that I will truly and faithfully perform the duties of the office to which I have been nominated, to the best of my knowledge and ability; that I will not receive, directly or indirectly, any present or *nuzzer*, in money or effects of any kind, from any party whomsoever, on account of any suit to be instituted, or which may be depending, or have been decided in the court; that I will not knowingly permit any person or persons under my authority, or in my immediate service, to receive directly or indirectly, any present or *nuzzer*, in money or effects, from any party or person whomsoever, on account of any suit to be instituted, or which may be depending, or have been decided in the court; and that I will not derive, directly or indirectly, any advantages or emoluments from my office, excepting such as the orders of Government do or may authorize me to receive."

Ministerial officers to perform all such official acts as may be prescribed to them by the judges.

V. The registers to the civil and criminal courts, are to perform all such official acts as may be prescribed to them by the judges of the courts, who are empowered to assign to all ministerial officers attached to their several courts, the particular duties or business to be performed by them respectively.

Suits which the judges of the zillah *and city courts are empowered to refer to their registers for trial and decision.*

VI. The judges of the* zillah *and city courts, are empowered to authorize the registers of their respective courts, to try and decide suits for money, or any personal property, where the amount or the value of the thing contested shall not exceed the sum of two hundred sicca rupees; and for* malguzaree *land, the annual produce of which shall not be above two hundred sicca rupees, and for* lakheraje *land, the produce of which shall not be more than twenty sicca rupees per annum. The register is to try and decide such suits in open court, at times when the judge himself shall not sit. The decrees passed by the register are to be signed by him, and countersigned by the judge to denote his approbation of them, and are not to be considered valid unless they are so countersigned. The rules in this section, are not to be construed to empower the provincial courts of appeal to authorize their registers to try and decide any appeals whatever, that may be preferred to them from the decision of any* zillah *or city court.*

Registers of the provincial courts not to be authorized to decide upon any appeals whatever.

Registers to the zillah *and city courts, not to officiate as judges without the sanction of the Governor General in Council.*

Registers to the civil and criminal courts, not to exercise any powers but such as are vested in them by the Regulations.

VII†. The registers to the zillah *and city courts, are not to exercise the powers of judge, in the event of the temporary absence or indisposition of the judge of the court, or of the office of judge being vacant, without the express sanction of the Governor General in Council:* nor are the registers to any of the civil or criminal courts of judicature to exercise any judicial or other powers, in any case or matter coming within the cognizance of the courts, excepting the powers which they may be authorized to exercise, by any regulation passed on the 1st May 1793, or that may be enacted subsequent to that date, and printed and published in the manner directed in Regulation XLI. 1793.

* This section is rescinded by Sect. 2, Regulation VIII. 1794.

† Rescinded by Sect. 6, Regulation IV. 1796.

VIII. The registers to the civil and criminal courts, after the rising of the courts, are to procure all acts of the courts to be executed. The assistants to the registers, and the native officers attached to the courts, are to assist the registers in performing the abovementioned duties, and in translating, and transcribing papers, and in arranging and keeping the records of the courts. The registers and their assistants, and the native officers, are to perform the duties specified in this section, in the manner and conformably to the rules, which the judges of the courts to which they may be respectively attached may think it proper to prescribe. The native officers of each court, are not to interfere in any other manner than as above directed, publicly, or privately, in any cause or matter depending before the court, or which may have been, or shall be intended to be brought before it.

Duties to be performed by the registers, assistants, and native officers.

IX. *First.* The ministerial officers of the civil and criminal courts, (under which designation are comprehended the registers, and the assistants to the registers, or any other subordinate officers being covenanted servants of the Company, and all native officers attached to the courts, excepting the law officers,) are declared amenable to the courts to which they may be respectively attached, for acts of corruption or extortion; and the courts are empowered to receive any such charges that may be preferred against them. Previous however to receiving the charge, the courts are to require the complainant to make oath to the truth of it, (or subscribe the required declaration, if he shall come within the description of persons whom the courts are empowered to exempt from taking oaths,) and give security in whatever sum they may judge proper, to prosecute the charge without delay. Unless the complainant shall previously take the oath, or subscribe the abovementioned declaration, and give the required security, the courts are not to receive the charge.

Ministerial officers of the courts amenable to their respective courts for corruption and extortion.

Oath or declaration, to be made, and security to be given, by the complainant before the court receive the charge.

Charge to be rejected, unless the complainant shall make the required oath or declaration, and give security.

Second. The Sudder Dewanny Adawlut, and the Nizamut Adawlut, are empowered to receive any charge of corruption or extortion, not relating to any suit or matter depending before them, or decided by them, that may be preferred to them against any ministerial officer of a provincial court of appeal, or a court of circuit, and to refer it to the court to which the accused may be attached, by a precept under the seal of the court, and attested by the register, provided the complainant shall prove to their satisfaction, that he preferred the charge in the first instance to such court, and offered to make the required oath or declaration, and to give the security prescribed in clause first, and that the court notwithstanding omitted or refused to receive the charge; and shall moreover make the required oath or declaration, and enter into the security, prescribed in the abovementioned clause. But if any person shall prefer a charge of corruption or extortion against any ministerial officer of a provincial court of appeal, or a court of circuit, to the Sudder Dewanny Adawlut, or the Nizamut Adawlut, in any appeal or matter which may be depending, or have been decided, in the two last mentioned courts, the courts may receive the charge, and refer it to the provincial court of appeal, or the court of circuit to which the accused may be attached, without further enquiry, provided the complainant shall previously make the oath or declaration, and give the security, required in clause first.

Case in which the Sudder Dewanny Adawlut, and the Nizamut Adawlut, are empowered to receive charges of corruption or extortion, against the ministerial officers of the provincial courts of appeal and courts of circuit.

How the courts are to proceed, if the charge shall not relate to any matter depending before them, or decided by them.

How the courts are to proceed, if the charge relate to any matter depending before them, or decided by them.

Third. The Sudder Dewanny Adawlut is empowered to receive charges of corruption or extortion, not relating to any matter depending before them, or decided by them, that may be preferred to them against any ministerial officer of a *zillah* or a city court, and to order the court to which the accused may be attached, by a precept under their seal, and attested by their register, to receive the charge, provided the complainant shall prove to their satisfaction, that he preferred the charge in the first instance to such *zillah* or city court, and offered to make the required oath or declaration, and give the security prescribed in clause first, and that the court notwithstanding omitted or refused to receive the charge; and provided also, that the complainant shall further prove to the satisfaction of the court, that in consequence of such refusal, he preferred the charge to the provincial court of appeal of the division, and offered to make the required oath or declaration, and give the security prescribed in clause first, and that the provincial court nevertheless omitted or refused to receive the charge; and shall moreover make the required oath or declaration, and enter into the security prescribed in the abovementioned clause. The Sudder Dewanny Adawlut is likewise empowered to receive charges of corruption or extortion, which may be preferred against a ministerial officer of a *zillah* or city court, that may have been preferred in the first instance to the provincial court, in any appeal or matter depending before it, or which may have been

Cases in which the Sudder Dewanny Adawlut is empowered to receive charges of corruption or extortion against the ministerial officers of any *zillah* or city court.

How the court is to proceed, if the charge relate not to any matter depending before it, or which may have been decided by it.

been decided by it, and to refer it to such provincial court, or to the *zillah* or city court, to which the accused may be attached, provided the complainant shall prove to the satisfaction of the court, that he preferred the charge to the provincial court, and offered to make the required oath or declaration, and give the security prescribed in clause first, and shall moreover make the required oath or declaration, and enter into the security prescribed in the abovementioned clause. But if any person shall charge a ministerial officer of any *zillah* or city court, before the Sudder Dewanny Adawlut, with corruption or extortion in any suit or matter that may be depending before it, or which may have been decided by it, the court may receive the charge, and refer it for trial to the *zillah* or city court to which the offender may be attached, without further enquiry, provided the complainant shall previously make the prescribed oath or declaration to the truth of the charge, and give the security required in clause first.

Court how to proceed, if the charge relate to any matter depending before it, or which may have been decided by it.

Cases in which the provincial courts of appeal are empowered to receive charges of corruption or extortion against the ministerial officers of the *zillah* or city courts.

Fourth. The provincial courts of appeal are empowered to receive any charge of corruption, not relating to any suit or matter depending before them, or decided by them, that may be preferred to them against any of the ministerial officers of the *zillah* and city courts within their respective jurisdictions, and to refer the charge to the court to which the accused may be attached, provided it be proved to their satisfaction, that the accuser preferred the charge in the first instance to such *zillah* or city court, and offered to make the oath or declaration, and give the security required in clause first, and that the court notwithstanding omitted or refused to receive the charge. But if any person shall charge a ministerial officer of any *zillah* or city court with corruption or extortion in any appeal or matter which may be depending, or have been decided, in the provincial court, such court may receive the charge, and refer it to the *zillah* or city court to which the accused may be attached, without further enquiry, provided the complainant shall previously make the prescribed oath or declaration, and give the security required in clause first.

Sudder Dewanny Adawlut and Nizamut Adawlut, how to proceed in the event of heir receiving a charge of corruption or extortion, and their appearing to them objections to referring it to the court to which the accused may be attached.

Fifth. If the Nizamut Adawlut shall receive a charge of corruption or extortion, against any ministerial officer of a court of circuit, or, if the Sudder Dewanny Adawlut shall receive any such charge against a ministerial officer of a provincial court of appeal, or a *zillah* or city court, and there shall appear to those superior courts respectively, upon a consideration of the circumstances of the case, any objections to referring the charge to the court to which the accused may be attached, they are empowered, according as they may judge expedient, either to cause the charge to be tried by the Sudder Dewanny Adawlut, or, if the charge be against any ministerial officer of a *zillah* or a city court, to cause it to be tried by the provincial court of appeal of the division in which such court may be situated.

Provincial courts how to proceed, in the event of their receiving a charge of corruption or extortion, and there appearing to them any objections to the referring it to the court to which the accused may be attached.

Sixth. If a provincial court of appeal shall receive a charge of corruption or extortion, against any ministerial officer of a *zillah* or city court, and there shall appear to the court, upon a consideration of the circumstances of the case, any objections to referring the charge to the court to which the accused may be attached, they are to report the grounds of their objections to the Sudder Dewanny Adawlut, which court are empowered to cause the charge to be tried by such provincial, or *zillah*, or city court, according as they may deem expedient.

In what courts charges of corruption or extortion, preferred against any ministerial officer of a court, are to be tried.

Seventh. Charges of corruption or extortion that may be preferred against the ministerial officers of any civil or criminal court of judicature under this section, are to be considered as civil actions, and accordingly, are to be prosecuted in the civil courts. Conformably to this rule, whenever the Sudder Dewanny Adawlut, or the Nizamut Adawlut, may receive any such charge against their own officers, or exercise the powers vested in them by clause fifth, they are to direct the complainant to prosecute the charge in the Sudder Dewanny Adawlut: and whenever the provincial courts of appeal, or the courts of circuit, may receive any such charge against any of their own ministerial officers, or the ministerial officers of any *zillah* or city court, or in the event of any such charge being referred to them, they are to direct the complainant to prosecute the charge before the provincial court of appeal: and whenever any *zillah* or city court may receive any such charge against their ministerial officers, or any such charge may be referred to them by the Sudder Dewanny Adawlut, or the provincial court of appeal, they are to direct the complainant to prosecute the charge in the *dewanny adawlut.*

 Eighth.

Eighth. If a native ministerial officer of any civil or criminal court, who may be prosecuted for corruption or extortion under this section, shall be proved to have received, or taken the whole, or any part of the money or property which he may be charged with having received or taken, the court is to adjudge him to refund the amount, or value, of the money or property which he may be so proved to have so received or taken, and to pay a fine of three times the amount of it to Government. In enforcing the decision, the court is to observe the rules prescribed for enforcing other decisions of the court. If the officer against whom such decree may be passed, shall not appeal from it within the limited time, or, if an appeal shall not lie from the decision, the court is to transmit a copy of the decree to the Governor General in Council. If an appeal shall lie from the decision, and such officer shall prefer an appeal, and the decision shall be confirmed in appeal, the court by which the final decision may be passed, is to transmit a copy of it to the Governor General in Council, who reserves to himself the power of declaring such officer incapable of serving Government in any capacity. The courts may suspend a native officer against whom a charge of corruption or extortion may be preferred, until the final decision may be passed, if they shall see cause for so doing.

Judgment to be passed by the courts, in the event of a charge of corruption or extortion being proved in whole or in part against any native ministerial officer.

Ninth*. *If a ministerial officer of any civil or criminal court, being a covenanted servant of the Company, who may be prosecuted for corruption or extortion under this section, shall be proved to have received, or taken, the whole or any part of the money or property which he may be charged with having received or taken, the court shall adjudge him to refund the amount, or value of the money or property which he may be proved to have received or taken, and to pay a fine of three times the amount to Government. If the officer against whom such decree may be passed, shall not appeal from it within the limited time, the court by which the decree may be given, is to transmit a copy of it to the Governor General in Council. If an appeal shall lie from the decision, and the decree shall be confirmed in appeal, the court in which the final decision may be passed, is to transmit a copy of it, within one week after it may be passed, to the Governor General in Council, who will order the amount of the decree to be deducted from the allowances payable to such officer from Government, or take such other measures as he may judge expedient for enforcing payment of it. The Governor General in Council, provided he shall think it proper so to do, will dismiss such officer from his appointment, or both dismiss him from his appointment, and suspend him from the service of the Honorable Company. A copy of every decree passed by a court, acquitting a ministerial officer of a charge of corruption or extortion, is to be transmitted by the court to the Governor General in Council, within one week after it may be passed. The Governor General in Council, in cases in which from the circumstances he may judge it expedient, will suspend any such ministerial officer from his appointment, until a final decision be passed on the charge.*

Judgment to be passed by the courts, in the event of a charge of corruption or extortion being proved in whole or in part against any ministerial officer, being a covenanted servant of the Company.

Tenth. *All process which may be issued under this section, against the ministerial officer of any court, who may be a covenanted servant of the Company, is to be transmitted to him under a cover sealed in the form of a letter, directed to his address, and superscribed by the register, with his name and official appellation; or, if the charge be against the register of the court from which the process may issue, the superscription is to be made by any ministerial officer attached to the court, being a covenanted servant of the Company; or, if there be no such servant, by the judge of the court, if it be a zillah court; or, if it be a court of appeal, by the junior judge of the court. The officer to whom the process may be issued, is to return it under a cover to the judge or officer by whom the cover may be superscribed, with an endorsement acknowledging the receipt of the process.*

Process issued against servants of the Company under this section how to be served.

Eleventh. *An appeal shall lie to the Sudder Dewanny Adawlut, from all decisions that may be passed by any provincial court of appeal, on charges of corruption or extortion preferred against any ministerial officer of a civil or criminal court, being a covenanted civil servant of the Company, whether the decree adjudge the charge proved or not, and whatever may be the amount decreed, notwithstanding any thing that may be said to the contrary in any regulation passed on this date.*

An appeal to lie to the Sudder Dewanny Adawlut, from all decrees whatever that may be passed by the provincial courts of appeal under this section, against civil covenanted servants of the Company.

* Clause 9, 10, and 11, rescinded by Sect. 3. Regulation X. 1806.

Twelfth.

Officers at liberty to prosecute persons preferring groundless charges against them under this section.

Twelfth. If any person shall prefer a charge of corruption or extortion, against a ministerial officer of any civil or criminal court of judicature under this section, and the charge shall not be proved, the accused is to have the option of suing the accuser for damages in any court of civil judicature to which he may be amenable.

Courts of appeal and circuit, and *zillah* and city courts, to report any misconduct of their registers, or their assistants.

X. The provincial courts of appeal, and the courts of circuit, and the *zillah* and city courts, are enjoined to report to the Sudder Dewanny Adawlut, or to the Nizamut Adawlut, (according to the nature of the case,) whenever their registers, or the assistants to their registers, or other ministerial officers attached to their courts who may be covenanted servants of the Company, shall be guilty of neglect or misconduct (other than corruption or extortion) in the discharge of their duty.

Punishment for persons not attached to the courts, convicted of corruption or extortion.

XI. If a native servant, or dependant, of any judge of a civil or criminal court of judicature, not being a public officer attached to the court, shall extort, or receive, directly or indirectly, any money or other valuable consideration, under any pretence whatever, from any party or person, on account of any suit, to be instituted, or that may be depending, or have been decided in the court, he shall be committed as for a contempt of court, and be punished by a fine equal to treble the sum of money extorted or received, or by imprisonment, or corporal punishment, at the discretion of the court; and the judge is required to discharge such servant or dependant, and never to employ him, directly or indirectly, in his public or private capacity. If the offender shall not appeal against the decree within the limited time, or if an appeal shall not lie from the decision, or if the decision shall be confirmed in appeal, the court by which the final decree may be passed, shall transmit a copy of it to the Governor General in Council, who, in addition to the penalties or punishments specified in the decree, will, if there shall appear to him grounds for so doing, declare the offender incapable of serving Government in any capacity.

A. D. 1793. REGULATION XX.

A REGULATION *for empowering the Zillah and City Courts, the Provincial Courts of Appeal, and the Sudder Dewanny Adawlut, and the Nizamut Adawlut, to propose Regulations regarding Matters coming within their Cognizance.*—PASSED *by the Governor General in Council, on the* 1st *May* 1793; *corresponding with the* 21st *Bysaak* 1200 *Bengal era; the* 6th *Bysaak* 1200 *Fussily; the* 21st *Bysaak* 1200 *Willaity; the* 6th *Bysaak* 1850 *Sumbut; and the* 19th *Ramzaan* 1207 *Higeree.*

Preamble.

THAT the Governor General in Council may be apprized of such general or local regulations as the magistrates, or any of the civil or criminal courts of judicature, or any of the judges of those courts, may deem it advisable to propose respecting matters coming within their cognizance; and at the same time, to prevent any such regulations being suggested until they have been duly considered; and that all such regulations as may be proposed by the judges of the *zillah* or city courts, or the magistrates, may be submitted to the Governor General in Council, with the opinions of the provincial courts of appeal, or courts of circuit, and the Sudder Dewanny Adawlut, or the Nizamut Adawlut respecting them; and that regulations originating with the provincial courts of appeal, or the courts of circuit, may come before the Governor General in Council, with the opinion of the Sudder Dewanny Adawlut, or the Nizamut Adawlut; the following rules have been enacted.

Magistrates, and the civil and criminal courts of judicature, empowered to propose regulations regarding matters coming within their cognizance.

II. The judges of the courts of *dewanny adawlut* established in the several *zillahs*, and in the cities of Patna, Dacca, and Moorshedabad, both in their capacity of judges of those courts, and as magistrates; the judges of the provincial courts of appeal, in their capacity of judges of those courts, and as judges of the courts of circuit; and the judges of the Sudder Dewanny Adawlut, and the Nizamut Adawlut, are respectively empowered to propose regulations regarding any matters coming within their cognizance, under the rules hereafter prescribed.

Rules to be observed by the judges and magistrates of the *zillahs* and cities in proposing regulations.

III. If a judge of a *zillah* or city court, or a magistrate, shall deem it advisable to propose any regulation, he is to draft it in the form, and agreeably to the rules prescribed in Regulation XLI. 1793, for drafting regulations passed by the Governor General in Council, and to submit the regulation so drafted, to the provincial court of appeal, or the court of circuit of the division, according as the matter to which the regulation may relate, may be of a civil or a criminal nature.

Regulation how to be forwarded to the provincial court, or the court of circuit.

IV. The regulation so drafted, is to be transmitted by the register, or the assistant to the judge or magistrate, with a copy of his order for forwarding the regulation to the provincial court, or the court of circuit, attested with the official seal of the court, or the magistrate, and the signature of the register or assistant, under a cover addressed to the register of the provincial court of appeal, or the court of circuit.

Register to the provincial court of appeal or court of circuit, to lay the regulation before the court.

V. The register to those courts is to submit the regulation to the court, who are to proceed to take it into consideration, provided it be drafted and transmitted in the manner prescribed. If the regulation shall not be so drafted and transmitted, they are to make an order

Court to take it into consideration, provided it be properly drafted and transmitted, otherwise, to order the regulation to be returned in the manner herein directed.

Judge or magistrate to draft and transmit the regulation as prescribed.

order of court, for the return of it to the judge or magistrate, in which shall be concisely stated, wherein the prescribed rules for drafting and transmitting the regulation have not been observed; and the register is to return the regulation, accompanied by the order of the court, attested with his official signature, and the seal of the court, to the register or assistant to the judge or magistrate, by whom the regulation may have been proposed. The judge or magistrate is to conform to the observations contained in the order, and to direct his register or assistant, to return the regulation to the register to the provincial court of appeal, or the court of circuit, who are to proceed to take it into consideration.

Provincial court of appeal, or court of circuit, how to proceed, if they unanimously approve or disapprove of the regulation entirely,

VI. If the court shall approve, or disapprove of the regulation altogether, they are to forward the draft of it to the register to the Sudder Dewanny Adawlut, or the Nizamut Adawlut, according as the matter to which it may relate, may be of a civil or a criminal nature, with a letter stating the grounds of their approval, or disapproval.

or in part only;

VII. If the court shall approve of the regulation in part only, they are to forward an attested copy of the proposed regulation, as submitted by the judge or magistrate of the *zillah* or city, and a separate draft of the regulation, framed agreeably to their own opinion, with a letter stating at large the reasons which may have induced them to suggest the alterations in the proposed regulation.

or in case a difference of opinion shall arise respecting it.

VIII. If a difference of opinion shall arise amongst the judges of the court, regarding the proposed regulation, each judge is to be at liberty to record his opinion on the proceedings of the court, together with a draft of the regulation framed agreeably to his opinion, unless he shall approve or reject the proposed regulation altogether, in which case he is only to state the grounds of such rejection or approval on the proceedings of the court. The court are to submit the regulation proposed by the judge or magistrate, with their own proceedings respecting it, to the Sudder Dewanny Adawlut, or the Nizamut Adawlut.

Sudder Dewanny Adawlut, or the Nizamut Adawlut, how to proceed upon the receipt of the regulation proposed by the judge or magistrate, and the proceedings of the provincial court of appeal or court of circuit respecting it.

IX. The Sudder Dewanny Adawlut, or the Nizamut Adawlut, are to submit all the proceedings and documents which they may so receive from the provincial court, or the court of circuit, to the Governor General in Council, and, if they disapprove of the regulation altogether, or approve of any one of the drafts of it, with a separate letter stating the grounds of such approval or disapproval, or, if they shall deem it advisable to adopt any one of the drafts with alterations, with a draft of the regulation framed agreeably to their opinion, and a separate letter detailing their reasons for the alterations.

Provincial court and courts of circuit, not to communicate to the judge or magistrate their opinion on the regulation which he may propose to them.

X. The provincial courts of appeal and the courts of circuit, are not to communicate to any judge or magistrate, the grounds on which they may approve, reject, or alter the draft of the regulation which he may propose; but the Sudder Dewanny Adawlut, or the Nizamut Adawlut, upon the draft being submitted to them by the provincial court, or court of circuit, may require information on any points immediately from the judge or magistrate by whom the regulation may have been proposed, but not through the medium of the provincial court of appeal, or court of circuit; and in such cases, they are to submit their queries, and the answer of the judge or magistrate, with the other documents regarding the regulation, to the Governor General in Council. The Sudder Dewanny Adawlut, or the Nizamut Adawlut, may likewise require information regarding such, or any proposed regulation, from the provincial court of appeal, or court of circuit.

Provincial courts of appeal and courts of circuit, or any one or two of the judges of those courts, may propose regulations.

How to proceed if the regulation be proposed by the court collectively, or if it be proposed by one or two judges, and it be approved unanimously, or a difference of opinion shall arise respecting it.

XI. The provincial courts of appeal, and the courts of circuit, or any one, or two, of the judges of those courts, may propose a regulation drafted in the manner prescribed. If the regulation shall be proposed by the court collectively, or by one, or two, of the members, and the court shall approve of it unanimously, they are to forward the draft to the Sudder Dewanny Adawlut, or the Nizamut Adawlut. If a difference of opinion shall arise in the court, regarding a regulation proposed by one, or two, of the judges, the judges are to record their sentiments on the proceedings of the court, with a draft of the regulation framed agreeably to their respective opinions, unless any one or two of the judges should be of opinion, that the proposed regulation ought to be adopted or rejected altogether, in which case, such judge or judges shall only state the grounds of his or their opinion on the proceedings of the court, which are to be forwarded to the Sudder Dewanny Adawlut, or the Nizamut Adawlut.

Sudder Dewanny Adawlut, or the Nizamut Adaw-

XII. The Sudder Dewanny Adawlut, or the Nizamut Adawlut, are to submit all the proceedings and documents which they may so receive from the provincial court of appeal, or

or the court of circuit, to the Governor General in Council, and, if they disapprove altogether of the regulation so submitted to them, or approve of any of the drafts, they are to state the grounds of such approval or disapproval in a separate letter. If they shall deem it advisable to adopt the proposed regulation with alterations, they are to submit the regulation framed according to their opinion, with a separate letter stating their reasons for the alteration, with all the documents received from the provincial court of appeal, or the court of circuit, to the Governor General in Council.

lut, how to proceed upon the receipt of the regulation from the provincial court of appeal or court of circuit.

XIII. If the provincial courts of appeal, or the courts of circuit, shall submit to the Sudder Dewanny Adawlut, or the Nizamut Adawlut, any regulation originating with themselves that may not be drafted in the manner prescribed, the court is to return the regulaton to the court by which it may have been proposed, and to point out to them the deviation from the prescribed form of drafting the regulation. The court which may have submitted the regulatlon, is to return the draft corrected agreeably to the directions of the superior court, who are then to proceed with it, as directed in the preceding section.

Sudder Dewanny Adawlut, or the Nizamut Adawlut, to return to the provincial courts or courts of circuit, any regulations originating with them that they may submit, and which may not be drafted in the prescribed form.

XIV. All regulations which the Sudder Dewanny Adawlut, or the Nizamut Adawlut, may deem it advisable to propose to the Governor General in Council, are to be drafted in the prescribed form.

Sudder Dewanny Adawlut, and Nizamut Adawlut to draft regulations which they may propose in the prescribed form.

XV. The Governor General in Council will reject, or adopt, any regulation, that may be submitted to him under this regulation; or pass such regulation as may appear to him proper.

The Governor General in Council will reject or adopt the proposed regulation, or pass such regulation as may appear to him proper.

A. D. 1793. REGULATION XXXIX.

A REGULATION *for the Appointment of the Cauzy Ul cozaat, or head Cauzy of Bengal, Behar, and Orissa, and the Cauzies stationed in the several Districts, and prescribing their respective Duties.*—Passed *by the Governor General in Council, on the* 1*st May* 1793; *corresponding with the* 21*st Bysaak* 1200 *Bengal era; the* 6*th Bysaak* 1200 *Fussily*; *the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysaak* 1850 *Sumbut; and the* 19*th Ramzaan* 1207 *Higeree.*

Preamble.

CAUZIES are stationed at the cities of Patna, Dacca, and Moorshedabad, and the principal towns, and in the *pergunnahs*, for the purpose of preparing and attesting deeds of transfer and other law papers, celebrating marriages, and performing such religious duties or ceremonies prescribed by the Mahomedan law, as have been hitherto discharged by them under the British Government, and also for superintending the sale of distrained property, and paying charitable and other pensions and allowances, under Regulations XVII. and XXIV. 1793. The nature of the abovementioned duties renders it necessary that persons of character, and duly qualified with respect to legal knowledge, should be appointed to these offices; and to encourage them to discharge their trusts with diligence and fidelity, they should not be liable to removal, unless proved to be incapable or guilty of misconduct to the satisfaction of the Governor General in Council. The following rules have been accordingly enacted.

Head *cauzy* of the three provinces to be appointed by the Governor General in Council.

Not to be removed but for incapacity or misconduct, proved to the satisfaction of the Governor General in Council.

II. *First.* The *cauzy ul cozaat* or head *cauzy* of Bengal, Behar, and Orissa, shall be appointed by the Governor General in Council, and shall not be removable from his office, but for incapacity, or misconduct in the discharge of his public duty, or acts of profligacy in his private conduct, proved to the satisfaction of the Governor General in Council.

Seal of the head *cauzy*.

Second. The head *cauzy* is to use a circular seal, two inches in diameter, on which shall be inscribed the designation of his office, and his name, in the Persian language, as follows: —" The seal of the *cauzy ul cozaat* of the provinces of Bengal, Behar, and Orissa." (Name of the head *cauzy.)*

Rule in the preceding section applied to the *cauzies* stationed in the interior parts of the country.

III. *First.* The *cauzies* stationed in the cities, towns, or *pergunnahs* in the three provinces, shall not be removable from their offices, excepting for incapacity or misconduct in the discharge of their public duty, or acts of profligacy in their private conduct. The *cauzies* so stationed, are to use a circular seal, one inch and a half in diameter, on which shall be inserted the designation of their office, and their name, in the Persian language as follows: " The seal of the *cauzy* of the city (town, *pergunnah* or *pergunnahs*) of ——." (Name of the *cauzy.)*

Rule in the preceding clause not to preclude the Governor General in Council from abolishing the office of *cauzy* at any place where he may deem the continuance of such an officer unnecessary.

Second. The rule contained in the preceding clause, is not to be construed to preclude the Governor General in Council from abolishing the office of *cauzy* at any place, where from the number of *cauzies* stationed in the district, or other cause, the continuance of such an officer may appear to him unnecessary.

Vacancies in the office of *causy*, in the interior parts of the country, how to be supplied.

IV. When the office of *cauzy* in any *pergunnah*, city, or town shall become vacant, the judge of the *zillah* or city court, within whose jurisdiction the place may be situated, is immediately to report the vacancy to the Governor General in Council, and recommend such person as may appear to him best qualified for the succession, from his character and legal knowledge. The name of the person so recommended, is to be communicated to the head *cauzy*, who, if he shall deem him unqualified for the office, either from want of legal knowledge, or the badness of his private character, is to report the same in writing to the Governor General in Council, who reserves to himself the power of appointing such person to the office, or not, or of conferring it upon any other person, according as may appear to him proper. If there shall appear to the head *cauzy* no objection to the appointment of the person who may be so recommended, he is to report accordingly to the Governor General in Council. The person who may be appointed to the office, shall be furnished with a *sunnud* of appointment under the official seal of the head *cauzy*, in which the date of his appointment is to be specified.

Office of *cauzy* declared not hereditary.

V. The office of *cauzy* is declared not to be hereditary.

Courts of judicature to report incapacity or misconduct in the mofussil *cauzies* to the Governor General in Council.

VI. *First.* The *zillah* and city courts, and the provincial courts of appeal, are to report to the Governor General in Council, every instance in which it may appear to them that the *cauzy* of any *pergunnah*, city, or town, within their respective jurisdictions, is incapable, or in which it may be proved to their satisfaction that he has been guilty of negligence or misconduct in the discharge of his public duty, or of acts of profligacy in his private conduct.

Similar reports to be made by the head *cauzy*.

Second. It shall likewise be the duty of the head *cauzy*, to report to the Governor General in Council in writing, every instance in which it may appear to him that the *cauzy* of any city, town, or *pergunnah*, is incapable, or in which any such *cauzy* may have been guilty of misconduct in the discharge of his public duty, or acts of profligacy in his private conduct.

Records to be kept by the head *cauzy* and the *cauzies* stationed in the interior parts of the country, which are to be delivered complete to their successors.

VII. The head *cauzy*, and the *cauzies* stationed in the cities, *pergunnahs*, and towns, are to keep copies of all deeds, and law or other papers, which they may draw up, or attest, and are to affix thereto their seals and signatures. They are likewise to keep a list of all such papers, and in the event of their death, resignation, or removal, the list and papers are to be delivered complete to their successors.

Rules regarding the fees of the *cauzies*.

VIII. The *cauzies* stationed in the cities, towns, and *pergunnahs*, are not to exact any fees for drawing up, or attesting papers, or for the celebration of marriages, or the performance of any religious duties or ceremonies which it has been customary for them to perform, excepting such as the parties concerned may voluntarily agree to pay, as has been hitherto the practice.

Judges of the *zillah* and city courts to report the number of *cauzies* stationed in their respective jurisdictions.

Cauzies of pergunnahs to be stationed in the centre of the *pergunnahs*.

IX. Upon the receipt of this regulation, the judges of the *zillahs* and cities, are to transmit to the Governor General in Council, the names of the places in their respective jurisdictions in which *cauzies* are stationed, the names of the *cauzies*, and what number of *cauzies* they deem sufficient for their respective jurisdictions. The judges of the *zillahs* are to fix the residence of the *cauzies* stationed in the *pergunnahs* in the most centrical places, in order that distrainers of property, and persons whose property may be distrained, under Regulation XVII. 1793, may have ready access to them.

Judges to furnish the *cauzies* with copies of the translates of all regulations published as directed by Regulation XLI. 1793.

X. The judges in Bengal and Orissa are to furnish the *cauzies* stationed in their respective jurisdictions, with copies of the Persian and Bengal translates of all regulations, printed and published in the manner directed in Regulation XLI. 1793. The judges in Behar are to furnish the *cauzies* stationed in their respective jurisdictions, with the Persian translates of all such regulations.

Cauzies stationed in the *zillahs* and cities liable to be sued in the cases herein specified.

XI. The *cauzies* stationed in the several *zillahs* and cities are to be liable to be sued in the *dewanny adawlut* for any undue practices in the discharge of the duties prescribed to them by Regulation XVII. 1793, or any other regulation, printed and published in the manner directed in Regulation XLI. 1793.

A. D. 1793. REGULATION XLVII.

A REGULATION *for providing for Differences of Opinion between the Judges of the Provincial Courts of Appeal and Courts of Circuit, and prescribing Rules regarding other Matters connected with their official Situations.*—PASSED *by the Governor General in Council, on the* 1st *May* 1793; *corresponding with the* 21st *Bysaak* 1200 *Bengal era; the* 6th *Bysaak* 1200 *Fussily; the* 21st *Bysaak* 1200 *Willaity; the* 6th *Bysaak* 1850 *Sumbut; and the* 19th *Ramzaan* 1207 *Higeree.*

Preamble.

THE following provisions are made for cases in which a difference of opinion may arise amongst the judges of the provincial courts of appeal and courts of circuit, and for other matters connected with their official duty.

Provisions respecting differences of opinion.

II. In all cases in which a difference of opinion may arise amongst the judges of a provincial court of appeal, or a court of circuit, the opinion of the majority shall determine. When there shall be only two judges in court, the senior of the two judges shall have a casting vote. Each judge, however, shall have the liberty of recording the grounds of his opinion on the proceedings of the court.

Two judges to form a court of appeal.

III. Two judges shall be necessary to hold a court of appeal.

Decrees not valid unless passed by two judges in court. Decrees to be signed by judges present.

IV. No decree in a suit or appeal brought before a provincial court of appeal shall be valid, unless passed by two judges present in court. The decrees are to be signed by the judges by whom they may be passed.

Meetings of the courts.

V. The provincial courts of appeal are to meet on three fixed days in each week, whilst they are at the sudder station, or oftener if business shall require it. The extra-meetings are to be summoned by the register upon receiving orders for that purpose from the first judge, or the senior judge on the spot, to whom it shall be left to determine when and how often such extra-meetings shall be summoned. But the court shall not sit on Sunday on any occasion whatever.

Rules relating to the absence or indisposition of any of the judges.

VI. The judges of the provincial courts of appeal are not to absent themselves from their stations without the previous sanction of the Sudder Dewanny Adawlut, nor shall any judge omit to sit in court on court days, unless prevented by indisposition, or other unavoidable cause, which shall be entered on the proceedings of the court. If a judge shall be under the necessity of absenting himself from the court for three meetings successively, he shall notify the same to the Sudder Dewanny Adawlut, with the circumstances that prevented his attendance.

A. D. 1794. REGULATION VIII.

A REGULATION *for extending and defining the Powers given by Section* 6, *Regulation XIII.* 1793, *to the Registers of the Zillah and City Courts, to try and decide Causes referred to them by the Judges of their respective Courts, and for empowering the Zillah and City Courts in certain Cases, to refer Rent and Revenue Accounts to the Collectors for Report.*—PASSED *by the Governor General in Council, on the* 14*th November* 1794; *corresponding with the* 1*st Aughun* 1201 *Bengal era; the* 6*th Aughun* 1202 *Fussily; the* 6*th Aughun* 1202 *Willaity; the* 6*th Aughun* 1851 *Sumbut; and the* 20*th Rubbee us Sannee* 1209 *Higeree.*

Preamble.

TO prevent the time of the judges of the *zillah* and city courts being occupied with the trial of petty suits, and consequently to enable them to determine causes of magnitude with greater expedition, they were empowered by Section 6, Regulation XIII. 1793, " to authorize the registers of their respective courts to try and decide any suits for money or any personal property where the amount or the value of the thing contested should not exceed the sum of two hundred sicca rupees, and for *malguzaree* land, the annual produce of which should not be above two hundred sicca rupees, and for *lakheraje* land, the produce of which should not be more than twenty sicca rupees per annum." But the same regulation, directing that the decrees so passed by the register, " were to be countersigned by the judge to denote his approbation of them, and were not to be considered valid unless they were so countersigned, and this restriction being equally applicable whether either of the parties were dissatisfied with the decision or otherwise, and in fact, rendering the judge solely responsible for it, he was necessarily obliged to revise the proceedings of the register in every case, which often occupied as much of his time as would have been required for the trial of the suits in the first instance, and consequently tended to defeat the object of the reference. From these circumstances, the judges have seldom found it expedient to exercise the discretionary power vested in them of referring suits for trial to their registers. With a view therefore to the full attainment of the object of the rule, and to prevent the time of the courts of appeal being occupied by petty suits, and further to expedite the administration of justice by relieving the *zillah* and city courts from the trouble of arranging and comparing the long and intricate accounts, the adjustment of which is frequently necessary for the decision of suits between individuals respecting land rents or revenue, the following rules have been enacted.

Section 6, Regulation XIII. 1793, rescinded.

II. Section 6, Regulation XIII. 1793, is hereby rescinded, and the following rules substituted in lieu of it.

Causes to be referred by the judges to their registers for trial and decision.

III. The judges of the *zillah* and city courts are empowered and directed to refer to their registers for trial and decision, the causes that are depending or which may be filed in their respective courts, for money or personal property, where the amount or the value of the thing contested shall not exceed the sum of two hundred sicca rupees; or for *malguzaree* land, the annual produce of which shall not be above two hundred sicca rupees; or for *lakheraje* land, the produce of which shall not be more than twenty sicca rupees per annum. For the hearing and deciding the abovementioned causes, the judges are to cause their registers to sit three days in every week, or oftener, if their other avocations will permit.

Registers to sit three days in every week to hear causes.

IV.

Where the register is to try the causes.

IV. The register is to try the suits which may be referred to him by the judge, in open court, at times when the judge himself may not sit, or in the event of the court-room being occupied by the judge, in any other part of the *cutcherree*.

Register to conform to the rules for the trial of causes prescribed to the judges.

V. In trying the causes, the register is to be guided by the same rules as are prescribed for the trial of the suits before the judge.

Decision of the register final for money or personal property not exceeding twenty-five sicca rupees.

VI. The decision of the register shall be final in all suits for money or personal property, the amount or value of which shall not exceed twenty-five sicca rupees. A discretionary power however is vested in the judges of the *zillah* and city courts of revising the decisions passed by their registers in such causes, in instances in which the decree shall appear to them obviously unjust or erroneous, and to pass such decree as they may deem equitable, and the decree of the judge shall be final, notwithstanding any thing that may be said to the contrary in any regulation passed previous to this date. But the judges are invariably to enter on the record of the trial their reasons for revising such decisions of their registers.

Appeal to lie to the provincial court of appeal from the decisions of the register.

VII. From all decisions passed by the register in suits for real property, and for money or personal property, the amount or value of which shall exceed twenty-five sicca rupees, an appeal shall lie to the provincial court of appeal of the division, under the rules and regulations prescribed regarding appeals from decisions passed by the judge.*

How process in suits referred for trial to the register is to issue.

VIII. All process whatever which it may be necessary to issue in suits referred for trial to the register, shall issue under the seal of the court and the signature of the register, and shall be executed by the officers of the court, and considered in every respect of the same force and validity as similar process issued in causes under trial before the judge.

Suits tried before the register to be pleaded by the parties, or the authorized *vakeels* of the courts.

IX. The causes referred to the register for trial, are to be pleaded either by the parties in person, or by the authorized *vakeels* of the court under Regulation VII. 1793.

Causes decided by the register to be distinguished in the monthly abstract registers.

X. That the Sudder Dewanny Adawlut and the provincial courts of appeal may be apprized of the nature and number of the causes decided monthly by the registers to the *zillah* and city courts, a list of the causes determined by the register in each month, shall be subjoined to the monthly abstract register of causes decided by the judge required to be transmitted to the Sudder Dewanny Adawlut and the provincial courts of appeal by Section 11, Regulation XVIII. 1793; and the judges shall likewise distinguish in their monthly abstract registers such decisions as they may pass in appeal from the decrees of the registers, so that the Sudder Dewanny Adawlut may be informed of the number of appeals so preferred, and the decisions upon them; and in the half yearly report of causes undecided required to be transmitted to the provincial courts of appeal and courts of circuit by Section 12, Regulation XVIII. 1793, the judges are likewise to distinguish such of the suits as may be depending in appeal before them from the decisions of their registers, and also the suits that may be under trial before their registers.

Judges to distinguish in their monthly registers the decisions passed by them on appeals from the registers.

Half yearly report to specify the appeals depending before the judge, and the causes under reference to the register.

Judges may try the causes cognizable by the register in the cases herein specified.

XI. This regulation is not to be construed to prevent the judges from trying in the first instance any causes declared cognizable by the registers, in the event of their having time for the trial of any such causes, or of their deeming it proper for special reasons to try any particular cause or causes of such description, nor to prevent them referring to the native commissioners such suits as are cognizable by them under Regulation XL. 1793. And in cases in which the judge shall himself try in the first instance any suit for money or personal property not exceeding in amount or value twenty-five sicca rupees, his decision thereon shall be final, notwithstanding any thing that may be said to the contrary in any regulation passed previous to this date.

Registers to the provincial courts not competent to try any appeals from the decisions of the *zillah* or city courts, or the registers.

XII. No part of this regulation is to be construed to empower the provincial courts of appeal to authorize their registers to try and decide any appeals whatever that may be preferred to them from the decision of any *zillah* or city court, or the register of any such court.

Court empowered to refer certain rent or revenue accounts to the collectors for reports.

XIII. In causes concerning rent or revenue, or other matters heretofore cognizable in the courts of *maal adawlut* between proprietors of land, or farmers of land holding their farms immediately of Government, and their respective dependant *talookdars*, under-farmers or

* Rescinded by Section 2, Regulation XXXVI. 1795.

 ryots;

ryots; or between dependant *talookdars* and their under-farmers or *ryots*; or between under-farmers farming lands of proprietors of land, or of farmers of land who farm their lands immediately of Government; or of dependant *talookdars*, and their dependant *talookdars*, under-farmers, or *ryots*; or between other persons concerned in the collection or payment of land rents or revenues, either as principals or sureties; the judge is empowered to refer to the collector for his report, any accounts the adjustment of which may be necessary towards the decision of the suit. The reference is to be made to the collector, by a precept under the signature of the judge and the seal of the court, in which shall be specified, the accounts referred, and the papers which the judge may think it necessary to send in elucidation of them, and the time by which the report is to be made. The judge may likewise command the parties or their *vakeels*, and any witnesses they may have to produce, to appear before the collector, that he may examine them regarding the accounts, and also empower the collector to administer the customary oaths to the witnesses, or to examine the parties on oath, if they shall agree to be so examined. The collector shall submit his report on the accounts to the court by the prescribed time, attested by his official seal and signature, or assign his reasons for not having been able to complete it by the period directed. The judge, upon the receipt of the collector's report, shall either confirm, set aside, or alter his adjustment of the accounts, or pass such decision respecting them as may appear to him proper. But the rules in this section are not to extend to empower the judge to refer to the collector any accounts relating to suits in which he, or any of his public officers, or private servants, or Government may be a party.

Judges prohibited referring accounts to the collector in suits in which he, or any of his officers or servants, or government may be a party.

A. D. 1795. REGULATION XI.

A REGULATION *for extending, with Modifications, to the Province of Benares, Regulation XII.* 1793, *entitled, "A Regulation for the Appointment of the Hindoo and Mahomedan Law Officers of the Civil and Criminal Courts of Judicature," and for appointing a Pundit or Pundits, to the Provincial Court of Circuit for the Division of Benares, to expound the Hindoo Law in certain cases Cognizable by that Court.* —PASSED *by the Governor General in Council, on the* 27*th March* 1795; *corresponding with the* 16*th Chyte* 1201 *Bengal era; the* 22*d Chyte* 1202 *Fussily; the* 16*th Chyte* 1202 *Willaity; the* 22*d Chyte* 1852 *Sumbut; and the* 5*th Ramzaan* 1209 *Higeree.*

Preamble.

THE Governor General in Council having deemed it advisable, on grounds similar to those stated in the preamble to Regulation XII. 1793, for the appointment of the Hindoo and Mahomedan law officers of the civil and criminal courts of judicature, in the provinces of Bengal, Behar, and Orissa, to extend the rules in that regulation, to the law officers attached to the courts in the province of Benares; and it being necessary that a *pundit*, or *pundits*, should be appointed to the court of circuit for that province, to assist the court in passing sentence in cases of *dherna*, and certain other matters, in the trial of which the established custom of the province, and the regulations founded on it, require that reference should be made to the laws of the *shaster*, the following rules have been enacted.

Regulation XII. 1793, extended to the province of Benares.

II. Regulation XII. 1793, is hereby extended to the province of Benares.

Pundits of the provincial court of appeal, to officiate as *pundits* to the court of circuit.

III. The *pundit*, or *pundits*, of the provincial court of appeal, shall be *pundit*, or *pundits*, to the court of circuit for the division of Benares, and shall be subject to the same rules and regulations in the latter, as in the former capacity.

A. D. 1795. REGULATION XII.

A REGULATION *for extending to the Province of Benares, Regulation XIII.* 1793, *entitled, "A Regulation for the Appointment of the ministerial Officers of the civil and criminal Courts of Judicature, and prescribing their respective Duties."*— PASSED *by the Governor General in Council, on the* 27*th March* 1795; *corresponding with the* 16*th Chyte* 1201 *Bengal era; the* 22*d Chyte* 1202 *Fussily; the* 16*th Chyte* 1202 *Willaity; the* 22*d Chyte* 1852 *Sumbut; and the* 5*th Ramzaan* 1209 *Higeree.*

THE rules contained in Regulation XIII. 1793, for the appointment of the ministerial officers of the provincial courts of appeal, and the courts of circuit, and the city and *zillah* courts, in the provinces of Bengal, Behar, and Orissa, and for regulating their respective duties, including also provisions for receiving and trying any charges of corruption, or extortion, that may be preferred against them, or any private servants, or dependants, of the judges of the courts, being equally applicable to the officers and persons of the same descriptions in the province of Benares, the following rule has been enacted. **Preamble.**

II. Regulation XIII. 1793, is hereby extended to the province of Benares. **Regulation XIII. 1793, extended to Benares.**

A. D. 1795. REGULATION XXV.

A REGULATION *for extending to the Province of Benares, Regulation XLVII. 1793, entitled, "A Regulation for providing for Differences of Opinion between the Judges of the provincial Courts of Appeal, and Courts of Circuit, and prescribing Rules regarding other Matters connected with their official Situations."*—PASSED *by the Governor General in Council, on the* 27*th March* 1795; *corresponding with the* 16*th Chyte* 1201 *Bengal era; the* 22*d Chyte* 1202 *Fussily; the* 16*th Chyte* 1202 *Willaity; the* 22*d Chyte* 1852 *Sumbut; and the* 5*th Ramzaan* 1209 *Higeree.*

Preamble.

THE provisions made in Regulation XLVII. 1793, respecting differences of opinion between the judges of the provincial courts of appeal, and the courts of circuit, in the provinces of Bengal, Behar, and Orissa, and the other matters specified in that regulation, being equally requisite for the guidance of the judges of the provincial court of appeal, and the court of circuit, in the province of Benares, the following rule has been enacted.

Regulation XLVII. 1793, extended to Benares.

II. Regulation XLVII. 1793, is hereby extended to the province of Benares.

A. D. 1795. REGULATION XXIX.

A REGULATION *for extending to the Province of Benares, Regulation* XX. 1793, *entitled, "A Regulation for empowering the Zillah and City Courts, the Provincial Courts of Appeal, and the Sudder Dewanny Adawlut, and the Nizamut Adawlut, to propose Regulations regarding Matters coming within their Cognizance."*—PASSED *by the Governor General in Council, on the* 27*th March* 1795; *corresponding with the* 16*th Chyte* 1201 *Bengal era; the* 22*d Chyte* 1202 *Fussily; the* 16*th Chyte* 1202 *Willaity; the* 22*d Chyte* 1852 *Sumbut; and the* 5*th Ramzaan* 1209 *Higeree.*

Preamble.

IT being necessary, for reasons similar to those stated in the preamble to Regulation XX. 1793, that the judges of the courts of civil and criminal judicature, and the magistrates, in the province of Benares, should have the same power of proposing regulations, as is vested in the judges and magistrates in the provinces of Bengal, Behar, and Orissa, the following rule has been enacted.

Regulation XX. 1793, extended to Benares.

II. Regulation XX. 1793, is hereby extended to the province of Benares.

A. D. 1795. REGULATION XXXVI.

A REGULATION *for repealing Section* 7, *Regulation VIII.* 1794, *and empowering the Judges of the Zillah and City Courts to hear Appeals from Decisions which may be passed by their Registers under that Regulation, and rendering final the Decisions of the Judges in all such Appeals where the Suit may be for Money or personal Property; for making final the Decrees of the Judges of the Zillah and City Courts, in Appeals from Decisions passed by the native Commissioners appointed under Regulation XL.* 1793; *for rendering Serberakars or Managers of joint undivided Estates, eligible to the Office of Commissioner for hearing and deciding Suits under Regulation XL.* 1793; *for providing against the Loss or Miscarriage of the Proceedings in Trials referred by the Judges of Circuit to the Nizamut Adawlut, or the Sentences or Orders of that Court on such Trials; and for establishing another Court of Dewanny Adawlut in the Districts now comprised in the Zillah of Burdwan.*— PASSED *by the Governor General in Council, on the 27th March* 1795; *corresponding with the 16th Chyte* 1201 *Bengal era; the 22d Chyte* 1202 *Fussily; the 16th Chyte* 1202 *Willaity; the 22d Chyte* 1852 *Sumbut; and the 5th Ramzaan* 1209 *Higeree.*

THE appeal immediately to the provincial courts of appeal, from decisions passed by the registers, allowed by Section 7, Regulation VIII. 1794, interfering considerably with the more important duties of those courts; and the Governor General in Council being of opinion, that from decisions passed by the registers to the *zillah* and city courts for money or personal property under Regulation VIII. 1794, and from decisions of the native commissioners appointed under Regulation XL. 1793, one appeal to the judge of the *zillah* or city will be sufficient for the purposes of justice, or at all events, that the advantages which might be expected to result from allowing of a further appeal to the provincial courts of appeal, from the decisions of the judges of the *zillahs* and cities, would be more than counterbalanced by the delay in the determination of causes of greater importance that must necessarily arise from the considerable portion of the time of the *zillah* and city courts, and the provincial courts of appeal, which would be occupied in preparing and transmitting the records of the trials in these petty causes, and in the decision of them; and with a view to render *serberakars* or managers of joint undivided estates, eligible to the office of commissioner for the decision of suits under Regulation XL. 1793; and to provide against the undue detention of prisoners in confinement, or delay in the execution of sentences or orders of the Nizamut Adawlut, by the loss or miscarriage of the proceedings in trials referred to that court, or of the sentences or orders on such trials; and to accelerate the decision of civil suits arising in the districts now comprised in the *zillah* of Burdwan, which, from the great extent of the *zillah*, have been found too numerous for one court to determine with sufficient expedition; the following rules have been enacted. Preamble.

Section 7, Regulation VIII. 1794, rescinded.

II. Section 7, Regulation VIII. 1794, empowering the provincial courts of appeal to hear appeals from certain decisions passed by the registers to the *zillah* and city courts under that regulation, is hereby rescinded.

An appeal from the decisions of the registers, excepting for money or personal property not exceeding twenty-five rupees, to lie to judges of the *zillahs* and cities.

III. *First.* From all decisions in suits for real property, and for money or personal property, the amount or value of which shall exceed twenty-five sicca rupees, that may be passed by the registers to the *zillah* and city courts, in virtue of the powers vested in them by Regulation VIII. 1794, an appeal shall lie to the judge of the *zillah* or city court, under similar rules and regulations to those prescribed regarding appeals to the provincial courts of appeal, from decisions passed by the judges, with the qualifications specified in the two following clauses.

Petition of appeal to be presented within thirty days after the date of the decision.

Second. The petition of appeal shall be presented within thirty days after the date of the decision, either to the register or to the judge; but the judge is empowered to admit the appeal although the petition should be presented after the prescribed time, provided the appellant can show to his satisfaction, good and sufficient cause for not having filed the petition within the limited period.

Judge empowered in certain cases to admit the appeal after the prescribed period.

Judge how to proceed on admitting an appeal from the register.

Third. On the judge admitting an appeal from the decision of his register, he shall cause to be endorsed on the back of the petition, the word "admitted" *(munzoor)*, and shall have the seal of the court affixed thereto, and attest the endorsement with his signature. He shall cause the petition so endorsed to be sent to the register, who shall thereupon submit to the judge all the original proceedings and papers in the cause, with his original decree.

Register to submit the original proceedings and decree.

Decrees of the judges made final in appeals from decisions passed by the registers for money or personal property under Regulation VIII. 1794, and from the decisions of the native commissioners appointed under Regulation XL. 1793.

IV. The decrees of the judges of the *zillah* and city courts in appeals from decisions for money or personal property, passed by the registers under Regulation VIII. 1794, and also from the decisions of the native commissioners appointed to hear and determine suits under Regulation XL. 1793, are declared final, notwithstanding any thing that may be said to the contrary in any regulation enacted previous to this date.

Managers of joint undivided estates, made eligible to the office of commissioner under Regulation XL. 1793.

V*. Serberakars, *or managers of joint undivided estates, appointed under Sections 23, 24, 25, 26, Regulation VIII. 1793, are declared eligible to the office of commissioner for hearing and determining suits under Regulation XL. 1793, in the* zillahs *in which the estates they may be appointed to manage, may be situated.*

Provisions against the loss or miscarriage of the proceedings in trials referred by the courts of circuit to the Nizamut Adawlut, or of the sentences or orders of the court on such trial.

VI. Previous to the commencement of each circuit, the courts of circuit are to examine the lists of trials held on the preceding circuit, which may have been referred by them to the Nizamut Adawlut, and in the event of their not having received the orders or sentence of that court on any trial so referred, they are to report the same to the court, that in the event of the proceedings not having been received by the court, duplicates of such proceedings, or of the sentences or orders passed thereon, which may have miscarried, may be forwarded or issued before the commencement of the ensuing circuit, that the sentence or orders of the Nizamut Adawlut on such trials may be forthwith passed or executed.

Additional court of *dewanny adawlut* established in the districts now comprised in the *zillah* of Burdwan.

VII. The districts now comprised in the *zillah* of Burdwan shall be formed into two *zillahs*, the northern division to be denominated the *zillah* of Burdwan, and the southern division the *zillah* of Hooghly. The limits of each *zillah* are to be determined by the Governor General in Council. A *dewanny adawlut*, superintended by one judge, shall be established in each *zillah*, with the same powers as the other *zillah* courts of *dewanny adawlut*. The judge of each court shall likewise be vested with the office of magistrate, with the same powers as the magistrates of other *zillahs*. The court so established in the northern division, shall be denominated, "the court of *dewanny adawlut* for the *zillah* of Burdwan," and the court in the southern division, "the court of *dewanny adawlut* for the *zillah* of Hoogly." The half yearly jail delivery directed to take place in the several *zillahs* by Section 40, Regulation IX. 1793, shall be made at Hooghly by the judge of the court of circuit for the division of Calcutta who may proceed to the *zillahs* of Nuddea and Jessore; and the half yearly jail delivery at Burdwan, by the judge of that court who may proceed to Midnapore and Beerbhoom, agreeably to Regulation VII. 1794.

Half yearly jail deliveries in the *zillahs* of Burdwan and Hooghly, by whom to be made.

A. D.

* This section is rescinded by Section 2, Regulation XXIII 1814.

A. D. 1795. REGULATION XLIX.

A REGULATION *for appointing the Head Cauzy of the Provinces of Bengal, Behar, and Orissa, Head Cauzy of the Province of Benares, and for extending to that Province the Rules contained in Regulation XXXIX.* 1793, *regarding the Cauzies stationed in the Cities, Towns, and other Places, in the three first-mentioned Provinces.* —PASSED *by the Governor General in Council, on the* 28*th August* 1795; *corresponding with the* 14*th Bhadoon* 1202 *Bengal era; the* 28*th Bhadoon* 1202 *Fussily; the* 14*th Bhadoon* 1202 *Willaity; the* 28*th Bhadoon* 1852 *Sumbut; and the* 12*th Suffer* 1210 *Higeree.*

Preamble.

CAUZIES are stationed in the city of Benares, and the towns of Mirzapore, Ghazeepore, and Juanpore, and in the *pergunnahs* in the province of Benares, for the performance of the same duties as are assigned to the *cauzies* in similar situations in the provinces of Bengal, Behar, and Orissa; and the prescriptions contained in that regulation, with the exception hereafter specified, being equally applicable to the province of Benares, the following rules have been enacted.

Head *cauzy* of Bengal, Behar, and Orissa, to be head *cauzy* of Benares.

II. *First.* The head *cauzy* of the provinces of Bengal, Behar, and Orissa, shall also be head *cauzy* of the province of Benares, and shall be appointed under the rules prescribed in clause first, Section 2, Regulation XXXIX. 1793.

Inscription for the seal of the head *cauzy* of the four provinces.

Second. The following inscription is to be substituted on the seal of the head *cauzy*, in lieu of that prescribed in clause second, Section 2, Regulation XXXIX. 1793. "The seal of the *cauzy ul cozaat* of the provinces of Bengal, Behar, Orissa, and Benares." (Name of the head *cauzy*).

Rules in Regulation XXXIX. 1793, from Section 3. to Section 11, extended to Benares.

III. The rules contained in the several sections of Regulation XXXIX. 1793, from Section 3. to Section 11, regarding the *cauzies* stationed in the cities, towns, and *pergunnahs* in the provinces of Bengal, Behar, and Orissa, are hereby extended to the *cauzies* stationed in the city of Benares, and in the towns of Mirzapore, Ghazeepore, and Juanpore, and the several *pergunnahs* in the province of Benares, with this exception, that instead of Regulations XVII. and XXIV. 1793, they are to consider the prescriptions contained in Regulation XLV. 1795, and Regulation XXXIV. 1795, as the rules for their guidance with regard to the sale of property distrained for arrears of rent or revenue, and the payment of pensions.

Exception.

A. D. 1795. REGULATION LIV.

A REGULATION *for extending to the Province of Benares, the Rules contained in certain Sections of Regulations* VIII. 1794, *and* XXXVI. 1795, *with Modifications.* —PASSED *by the Governor General in Council, on the* 1st *September* 1795; *corresponding with the* 18*th Bhadoon* 1502 *Bengal era; the* 2d *Bhadoon* 1202 *Fussily; the* 18*th Bhadoon* 1202 *Willaity; the* 2d *Bhadoon* 1852 *Sumbut; the* 16*th Suffer* 1210 *Higeree.*

Preamble.

THE reasons assigned in Regulations VIII. 1794, and XXXVI. 1795, for extending and defining the powers given by Section 6, Regulation XIII. 1793, to the registers of the *zillah* and city courts in the provinces of Bengal, Behar, and Orissa, to try and decide causes referred to them by the judges; and for empowering those courts in certain cases to refer rent and revenue accounts to the collectors for report; and for declaring the decisions passed by the registers to the said *zillah* and city courts, in all suits for real property, and in suits for money or personal property the amount or value of which may exceed twenty-five sicca rupees, appealable to the judge of those courts; and for making final the decrees passed by the judges in appeals from the decisions of their registers, in all suits for money or for personal property, and also in appeals from the decisions of the native commissioners; being equally applicable to the province of Benares, the following rules have been enacted, to be in force from the date of their receipt by the city and *zillah* courts respectively.

Section 6, Regulation XIII. 1793, abolished in Benares.

Rules in certain sections of Regulations VIII. 1794, and XXXVI. 1795, extended to Benares, with

Modifications.

II. *First.* The rules in Section 6, Regulation XIII. 1793, are hereby declared to be rescinded in the province of Benares, from the date on which this regulation may be received by the city and *zillah* courts respectively in that province; and from the same date, the rules contained in Sections 3, 4, 5, 6, 8, 9, 10, 11, 12, and 13, Regulation VIII. 1794, and Sections 3, 4, and 6, Regulation XXXVI. 1795, are hereby declared to be extended to the province of Benares, with the following modifications, applicable to that province.

Second. Instead of the following clause in Section 9, Regulation VIII. 1794, "or by the authorized *vakeels* of the court under Regulation VII. 1793," the undermentioned clause is to be substituted, "or by the authorized *vakeels* of the court under Regulation VII. 1793, and XIII. 1795."

Third. In lieu of the following clause in Section 11, Regulation VIII. 1794, "nor to prevent them referring to the native commissioners such suits as are cognizable by them under Regulation XL. 1793," the undermentioned clause is to be substituted, "nor to prevent them referring to the native commissioners such suits as are cognizable by them under Regulations XL. 1793, and XXXI. 1795."

Fourth. Instead of the following clause in Section 4, Regulation XXXVI. 1795, "and also from the decisions of the native commissioners appointed to hear and determine suits under Regulation XL. 1793," the undermentioned clause is to be substituted for Benares; "and also from the decisions of the native commissioners appointed to hear and determine suits under Regulations XL. 1793, and XXXI. 1795."

A. D.

A. D. 1796. REGULATION IV.

A REGULATION *to provide for the occasional Absence of the Zillah and City Judges and Magistrates, in the Provinces of Bengal, Behar, Orissa, and Benares, from their respective Stations; and prescribing the Duties to be performed by the Registers of the Courts and the Assistants on such Occasions, as well as in the Discharge of their official Functions.*—Passed *by the Governor General in Council, on the* 13*th of May* 1796; *corresponding with the* 3*d Jeyte* 1203 *Bengal era; the* 21*st Bysaak* 1203 *Fussily; the* 3*d Jeyte* 1203 *Willaity; the* 21*st Bysaak* 1853 *Sumbut; and the* 4*th Zekaad* 1210 *Higeree.*

Preamble.

No rule being prescribed in the existing regulations for the mode in which application is to be made by the *zillah* or city judges and magistrates for occasional leave of absence from their respective stations; or for communicating a compliance with such applications to the provincial courts of appeal and circuit; and the registers to the *zillah* and city courts, being restricted by Section 7, Regulation XIII. 1793, from exercising the powers of judge in the event of the temporary absence or indisposition of the judge, or of the judge being vacant, without the express sanction of the Governor General in Council; whereby the precepts of the provincial courts have in some instances remained unexecuted without cause being shewn for the same, and the business of the said courts has been thereby delayed and obstructed; to obviate these and other impediments arising from the omissions and restrictions abovementioned, the following rules are now enacted, and are to be considered in force from the time of their being received by the several *zillah* and city courts respectively.

Zillah and city judges to apply to the Governor General in Council, for permission to quit their stations, and to wait the receipt thereof;
Except in emergent cases.
What the letter of application is to contain.

II. Any *zillah* or city judge and magistrate who may be desirous of quitting his station, on whatever account, is to apply for permission to the Governor General in Council, and except in emergent cases of indisposition, is not to leave his station until such permission shall have been obtained and received. The letter of application is to specify the purpose for which the leave of absence is applied for; the period for which it is desired; and the name of the register, or senior assistant on the spot, to whom the charge of the offices of judge and magistrate will devolve, if not otherwise provided for.

The Governor General in Council will determine in every instance, whether to delegate the duties of judge and magistrate to the register and senior assistant, or to appoint any other person thereto.
To whom his determination will be communicated.

III. The Governor General in Council, on receipt of the abovementioned applications, will determine in every instance, wherein he may grant leave of absence to the judge and magistrate to quit his station, whether to delegate the temporary execution of the duties of judge and magistrate, to the register or senior assistant on the spot; or to appoint any other person by a special commission thereto; or to make other provision for carrying on such parts of the business of the station, civil and criminal, as cannot be postponed, according to the urgency and circumstances of the case. The result of this determination will be immediately communicated to the judge and magistrate, and his register and assistant, or any other person appointed to act for him; and notice of it is to be given at the same time to the courts of Sudder Dewanny and Nizamut Adawlut, and the provincial courts of appeal and circuit, within whose jurisdiction the *zillah* or city court of the judge and magistrate, to whom leave of absence may be granted, is situated.

IV.

To whom *zillah* and city judges and magistrates are to report their departure from, and return to, their stations.

IV. The *zillah* or city judges and magistrates to whom leave of absence may be granted, are to report their actual departure from their stations, as well as their return thereto, to the Governor General in Council, the courts of Sudder Dewanny and Nizamut Adawlut, and the courts of appeal and circuit, within whose jurisdiction their respective courts may be situated.

Report to be made to the Governor General in Council, when the offices of judge and magistrate may devolve to the register and senior assistant, from death, indisposition, or other casualty.

Duties to be performed by the register and assistant in such cases till the receipt of orders.

V. In cases wherein the charge of the offices of judge and magistrate of any *zillah* or city may, from death, indisposition, or other casualty, devolve to the register or senior assistant on the spot, without any express provision for the same having been made by the Governor General in Council, as specified in Section 3. of this regulation, an immediate report of the circumstances of the case is to be made, by such register or assistant, to the Governor General in Council for his orders; and, till the receipt thereof, he is to confine himself to the discharge of the proper duties of his station as register or assistant; and to the exercise of such part of the powers of judge and magistrate as may be indispensably necessary for the immediate execution of processes from the provincial courts of appeal and circuit; or of orders from the Sudder Dewanny and Nizamut Adawluts; for preserving the peace of the district, or for such other cases of emergency as will not admit of delay.

What part of Regulation XIII. 1793, is meant to be rescinded by the foregoing rules.

What part to be still considered in force.

General duty of all assistants to the *zillah* and city courts, civil and criminal, and prohibition of their exercise of judicial powers without express authority.

VI. The foregoing rules are meant to supersede and rescind such part of Section 7, Regulation XIII. 1793, as respects the duties of the registers and assistants to the judges and magistrates of the several *zillahs*, and the cities of Dacca, Moorshedabad, Patna, and Benares, in the event of the temporary absence or indisposition of the judge or magistrate, or of the offices of judge and magistrate becoming vacant by death or otherwise; but the latter part of the said section, which restricts the registers in general from the exercise of any powers not vested in them, or authorized to be delegated to them by the regulations, is still to be considered in full force; and it is hereby declared to apply equally to all assistants to the *zillah* and city courts, civil or criminal; who are to perform all such ministerial acts as may be prescribed to them by the judges and magistrates, consistently with the regulations; but are in no cases to exercise judicial powers, either civil or criminal, except in the cases expressly provided for by this regulation, or in which they have been, or may be, expressly authorized to exercise such powers by some regulation passed on or subsequent to the 1st May 1793, and printed and published in the manner directed in Regulation XLI. 1793.

A. D. 1796. REGULATION X.

A REGULATION *for the Guidance of the Courts of Justice in Cases of a Difference of Opinion on the Meaning and Construction of the Regulations.*—PASSED *by the Governor General in Council, on the 7th October* 1796; *corresponding with the 24th Assin* 1203 *Bengal era; the 20th Assin* 1204 *Fussily; the 24th Assin* 1204 *Willaity; the 20th Assin* 1853 *Sumbut; and the 4th Rubbee us Sanee* 1211 *Higeree.*

Preamble.

THE existing regulations not having precisely defined the duty of the *zillah* and city judges and magistrates, in cases wherein they may construe the general rules prescribed by Government in a different sense from the construction given thereto by the judges of the provincial courts of appeal and courts of circuit; and it being of consequence, to prevent delay in the administration of justice, that a clear rule of conduct should be established to provide for such cases; the Governor General in Council has therefore enacted the following rules, to be considered equally applicable to the Benares courts, as to those of the other provinces, and to be in force from the date of their receipt by the several courts repectively.

***Zillah* and city judges and magistrates may state objections to precepts of the provincial courts, or courts of circuit, if considered contrary to or unwarranted by the regulations.**

And suspend execution till receipt of a second precept.

Second precept to be carried into immediate execution if required.

But the *zillah* or city judge or magistrate may for his satisfaction request a reference of the case to the Nizamut or Sudder Dewanny Adawlut.

Proviso. Excepting cases clearly left by the regulations to the discretion and judgment of the provincial courts, or courts of circuit.

II. In all instances wherein a precept issued by a provincial court of appeal, or a court of circuit, to a *zillah* or city judge or magistrate, shall appear to such judge or magistrate to be contrary to, or unwarranted by the existing regulations, he is authorized to state to the provincial court, or court of circuit, in what respects he considers their precept to be in deviation from the regulations, and suspend execution till receipt of a second precept in reply to his objections. But if the second precept of the provincial court, or court of circuit, in reply to the objections of the *zillah* or city judge or magistrate, shall confirm their first precept in whole or in part, and shall require the *zillah* or city judge or magistrate to execute the same without further reference, he shall immediately comply with such requisition. In case, however, the second precept of the provincial court, or court of circuit, should not satisfy the *zillah* or city judge or magistrate, that the regulations have been rightly construed by the provincial court, or court of circuit, he is at liberty at the same time that he certifies the execution of the order of the provincial court, or court of circuit, to request that they will transmit copies of their precepts to him, and his returns thereto, with such other papers as may be necessary for the information of the circumstances of the case, to the Court of Sudder Dewanny Adawlut, or the Court of Nizamut Adawlut, according as the case in question may relate to the civil or criminal department; and the provincial court or court of circuit, shall accordingly transmit such papers, as requested, without any unnecessary delay. Provided, nevertheless, that nothing in this regulation be understood to authorize any *zillah* or city judge or magistrate to question the propriety of any order issued by a provincial court, or court of circuit, in cases clearly left to the discretion and judgment of the provincial court, or court of circuit, by the regulations; the reference to them, and eventually to the courts of Sudder Dewanny and Nizamut Adawlut, meant to be authorized by this regulation, being confined to cases in which the sense of the regulations, from a difference of construction or otherwise, may appear doubtful and uncertain.

Determination of the Nizamut or Sudder Dewanny Adawlut to be conclusive.

III. In all instances wherein a reference to the Court of Sudder Dewanny Adawlut, or the Nizamut Adawlut, may be made under the preceding rule, the determination of those courts,

courts, who are empowered to prescribe the forms and conduct to be observed by the provincial, *zillah*, and city courts of *dewanny adawlut*, the courts of circuit, and the *zillah* and city magistrates, in all cases provided for by the regulations agreeably to their construction thereof, is to be held final and conclusive.

Nizamut and Sudder Dewanny Adawluts to report to the Governor General in Council any case in which they have doubts on the meaning of the regulations.

Or, if the case be not provided for by the regulations, to propose a new regulation agreeably to Regulation XX. 1793.

IV. Should any doubt occur to the Sudder Dewanny, or the Nizamut Adawlut, with respect to the meaning of any part of the regulations; or should it appear to them, on occasion of any reference from the provincial, *zillah*, or city courts, the courts of circuit, or the *zillah* or city magistrates, that the regulations do not sufficiently provide for the case submitted to their decision, they are in the former case, to report the circumstances of it to the Governor General in Council, that a new regulation may be framed in explanation of such doubt; and in the latter case, are to propose a new regulation in the manner prescribed by Regulation XX. 1793.

A. D. 1803. REGULATION IX.

A REGULATION *for empowering the Judges of the Zillah Courts, the Magistrates, the Judges of the provincial Court of Appeal, and the Judges of the Court of Circuit, in the Provinces ceded by the Nawaub Vizier to the Honorable the English East India Company, to propose Regulations, regarding Matters coming within their Cognizance respectively.*—PASSED *by the Governor General in Council, on the 24th March,* 1803; *corresponding with the 12th Chyte* 1209 *Bengal era; the 16th Chyte* 1210 *Fussily; the 12th Chyte* 1210 *Willaity; the 16th Chyte* 1860 *Sumbut; and the 29th Zekaad* 1217 *Higeree.*

THAT the Governor General in Council may be apprized of such general or local regulations, as the magistrates, or any of the civil or criminal courts of judicature, or any of the judges of those courts, may deem it advisable to adopt, respecting matters coming within their cognizance; and at the same time, to prevent any such regulations from being suggested until they have been duly considered; and that all such regulations as may be proposed by the judges of the *zillah* courts, or the magistrates, may be submitted to the Governor General in Council, with the opinions of the provincial court of appeal, or court of circuit, and the Sudder Dewanny Adawlut, or Nizamut Adawlut, respecting them; and that regulations originating with the provincial court of appeal, or the court of circuit, may come before the Governor General in Council, with the opinion of the Sudder Dewanny Adawlut, or the Nizamut Adawlut; the following rules have been enacted. Preamble.

II. The judges of the courts of *adawlut* established in the several *zillahs*, both in their capacity of judges of those courts, and as magistrates; and the judges of the provincial court of appeal, in their capacity of judges of that court, and as judges of the courts of circuit; are respectively empowered to propose regulations, regarding any matters coming within their cognizance; under the rules hereafter prescribed. Magistrates, and the civil and criminal courts, empowered to propose regulations.

III. If a judge of a *zillah* court, or a magistrate, shall deem it advisable to propose any regulation, he shall draft it in the form, and agreeably to the rules, prescribed in Regulation I. 1803; and confirmed by the 8th clause of the 142d Chapter of the Act of Parliament, passed in the thirty-seventh year of the reign of his present Majesty, for drafting regulations passed by the Governor General in Council; and shall submit the regulation so drafted, to the provincial court of appeal, or the court of circuit of the division, according as the matter to which the regulation may relate, shall be of a civil or criminal nature. Rules to be observed by the judges and magistrates of the *zillahs* in proposing regulations.

IV. The regulation so drafted, shall be transmitted by the register; or the assistant to the judge or magistrate; with a copy of his order for forwarding the regulation to the provincial court, or the court of circuit; attested with the official seal of the court, or the magistrate, and the signature of the register, or assistant; under a cover addressed to the register of the provincial court of appeal, or the court of circuit. Regulation how to be forwarded to the provincial court, or the court of circuit.

V. The register to those courts, shall submit the regulation to the court, who shall proceed to take it into consideration, provided it be drafted and transmitted in the manner prescribed. If the regulation shall not be so drafted and transmitted, they shall make an order Register to the provincial court of appeal or court of circuit, to lay the regulation before the court.

of

Court to take it into consideration, provided it be properly drafted and transmitted; otherwise, to order the regulation to be returned in the manner herein directed.

Judge or magistrate to draft and transmit the regulations as prescribed.

of court for the return of it to the judge or magistrate; in which order shall be concisely stated, wherein the prescribed rules for drafting and transmitting the regulation have not been observed; and the register shall return the regulation, accompanied by the order of the court; attested with his official signature, and the seal of the court; to the register, or assistant to the judge or magistrate, by whom the regulation shall have been proposed. The judge or magistrate shall conform to the observations contained in the order; and shall direct his register, or assistant, to return the regulation to the register to the provincial court of appeal or the court of circuit; who are to proceed to take it into consideration

Provincial court of appeal, or court of circuit, how to proceed, if they approve or disapprove of the regulation entirely.

VI. If the court shall approve, or disapprove of the regulation altogether, they shall forward the draft of it to the register to the Sudder Dewanny Adawlut, or the Nizamut Adawlut, according as the matter to which it shall relate may be of a civil or a criminal nature; with a letter, stating the grounds of their approval or disapproval.

Or in part only;

VII. If the court shall approve of the regulation in part only; they shall forward an attested copy of the proposed regulation, as submitted by the judge or magistrate of the *zillah*, and a separate draft of the regulation, framed agreeably to their own opinion; with a letter, stating at large the reasons which may have induced them to suggest the alterations in the proposed regulation.

Or, in case a difference of opinion shall arise respecting it.

VIII. If a difference of opinion shall arise among the judges of the court, regarding the proposed regulation, each judge shall be at liberty to record his opinion on the proceedings of the court, together with a draft of the regulation, framed agreeably to his opinion; unless he shall approve or reject the proposed regulation altogether: in which case, he shall only state the grounds of such rejection or approval on the proceedings of the court. The court shall submit the regulation proposed by the judge or magistrate, with their own proceedings respecting it, to the Sudder Dewanny Adawlut, or the Nizamut Adawlut.

Sudder Dewanny Adawlut, or the Nizamut Adawlut how to proceed upon the receipt of the regulation proposed by the judge or magistrate, and the proceedings of the provincial court of appeal, or court of circuit, respecting it.

IX. The Sudder Dewanny Adawlut, or the Nizamut Adawlut, shall submit all the proceedings and documents which they may so receive from the provincial court, or the court of circuit, to the Governor General in Council; and, if they disapprove of the regulation altogether, or approve of any one of the drafts of it, with a separate letter, stating the grounds of such approval, or disapproval; or, if they shall deem it advisable to adopt any one of the drafts with alterations, with a draft of the regulation, framed agreeably to their opinion; and a separate letter, detailing their reasons for the alterations.

Provincial court and court of circuit, not to communicate to the judge or magistrate, their opinion on the regulation which he may propose to them.

X. The provincial court of appeal, and the court of circuit, shall not communicate to any judge or magistrate, the grounds on which they may approve, reject, or alter the draft of the regulation which he may propose; but the Sudder Dewanny Adawlut, or the Nizamut Adawlut, upon the draft being submitted to them by the provincial court, or court of circuit, may require information on any points immediately from the judge or magistrate by whom the regulation may have been proposed; but not through the medium of the provincial court of appeal, or court of circuit; and in such cases, they are to submit their queries, and the answer of the judge or magistrate, with the other documents regarding the regulation, to the Governor General in Council. The Sudder Dewanny Adawlut, or the Nizamut Adawlut, may likewise require information regarding such, or any proposed regulation, from the provincial court of appeal, or court of circuit.

Provincial court of appeal, and court of circuit, or any one or two of the judges of those courts, may propose regulations.

How to proceed if the regulation be proposed by the court collectively, or if it be proposed by one or two judges, and it be approved unanimously, or a difference of opinion shall arise respecting it.

XI. The provincial court of appeal, and the court of circuit, or any one, or two, of the judges of those courts, may propose a regulation, drafted in the manner prescribed. If the regulation shall be proposed by the court, collectively; or by one, or two, of the members; and the court shall approve of it, unanimously; they shall forward the draft to the Sudder Dewanny Adawlut, or the Nizamut Adawlut. If a difference of opinion shall arise in the court, regarding a regulation proposed by one, or two, of the judges; the judges shall record their sentiments on the proceedings of the court; with a draft of the regulation, framed agreeably to their respective opinions: unless any one, or two, of the judges should be of opinion, that the proposed regulation ought to be adopted, or rejected altogether; in which case, such judge or judges shall only state the grounds of his or their opinion on the proceedings of the court; which shall be forwarded to the Sudder Dewanny Adawlut, or the Nizamut Adawlut.

Sudder Dewanny Adawlut, or the Nizamut Adaw-

XII. The Sudder Dewanny Adawlut, or the Nizamut Adawlut, shall submit all the proceedings, and documents which they may so receive from the provincial court of appeal,

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or

or the court of circuit, to the Governor General in Council; and, if they disapprove altogether of the regulation so submitted to them, or approve of any one of the drafts, they shall state the grounds of such approval or disapproval in a separate letter. If they shall deem it advisable to adopt the proposed regulation with alteration, they shall submit the regulation framed according to their opinion; with a separate letter, stating their reasons for the alteration; with all the documents received from the provincial court of appeal, or the court of circuit, to the Governor General in Council.

lut how to proceed upon the receipt of the regulation from the provincial court of appeal, or court of circuit.

XIII. Where a regulation originating with the court of appeal, or the court of circuit, shall be submitted to the Sudder Dewanny Adawlut, or the Nizamut Adawlut; and which may not be drafted in the prescribed form; the same shall be by them returned to the court from which it was sent, with a notice of the deviation from the form in that respect established. And the court which may have submitted the regulation, shall return the draft so corrected, agreeably to the directions of the superior court; who shall then proceed with it, as directed in the preceding section.

Sudder Dewanny Adawlut, or the Nizamut Adawlut, to return to the provincial court, or court of circuit, any regulations originating with them, that they may submit, and which may not be drafted in the prescribed form.

XIV. The Governor General in Council will reject or adopt any regulation that may be submitted to him under this regulation, or pass such regulation as may appear to him proper.

The Governor General in Council will reject or adopt the proposed regulation, or pass such regulation as may appear to him proper.

A. D. 1803. REGULATION XI.

A REGULATION *for the Appointment of the Hindoo and Mahomedan Law Officers of the Civil and Criminal Courts of Judicature, in the Provinces ceded by the Nawaub Vizier to the Honorable the English East India Company.*—PASSED *by the Governor General in Council, on the* 24*th March*, 1803; *corresponding with the* 12*th Chyte* 1209 *Bengal era; the* 16*th Chyte* 1210 *Fussily; the* 12*th Chyte* 1210 *Willaity; the* 16*th Chyte* 1860 *Sumbut; and the* 29*th Zekaad* 1217 *Higeree.*

Preamble.

IT is essential to the due administration of justice, that the law officers in the courts of judicature should be held by men of integrity, well versed in the laws, and that they should be so constituted, as to render persons possessing the requisite qualifications solicitous to obtain them, and to afford every encouragement to such persons when appointed, to continue to discharge their duty with uprightness. It is likewise necessary, upon general principles, that the law officers should be subject to penalties for misconduct, in order that they may be deterred from abusing their important trusts. The following rules have been accordingly enacted.

Law officers of the civil and criminal courts to be appointed by the Governor General in Council. In what cases removable.

II. The law officers of the Sudder Dewanny Adawlut, the Nizamut Adawlut, the provincial court of appeal, the court of circuit, and the *zillah* courts, are to be appointed by the Governor General in Council; and shall not be removable but for incapacity, or misconduct in the performance of their public duty; or for any act of flagrant profligacy in their private conduct, proved to his satisfaction.

Qualifications for the law offices.

III. The law offices in the several courts are to be conferred on persons well versed in the laws, and of unblemished moral characters.

Who shall be law officers to the superior courts.

IV. The *cauzy* and *mufties* to the Sudder Dewanny Adawlut, shall be the *cauzy* and *mufties* to the Nizamut Adawlut; and the *cauzy* and *mufty* of the provincial court of appeal of each division, shall be the *cauzy* and *mufty* to the court of circuit.

Oath to be taken by the Mahomedan law officers of the civil courts of judicature previous to their entering upon their offices.

V. *First.* The Mahomedan law officers of the courts of civil judicature, previous to entering upon the execution of the duties of their offices, are to take and subscribe the following oath, before the court to which they may be respectively attached:—"I. A. B *cauzy* (or *mufty*) to the Sudder Dewanny Adawlut, or the provincial court of appeal for ————, or the court of *adawlut* of the *zillah* of ————, solemnly swear, that I will truly and faithfully perform the duties of *cauzy* (or *mufty*) of this court, according to the best of my knowledge and ability; that I will not receive, directly or indirectly, any present or *nuzzer*, in money or effects of any kind, from any party or person whomsoever on account of any suit, to be instituted, or which may be depending, or has been decided in the court of which I am *cauzy* (or *mufty*;) and that I will not, directly or indirectly, derive any advantage or emolument from my office, excepting such as the orders of Government do, or may authorize me to receive."

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Second*.

Oath to be taken every six months.

Second*. *At the expiration of every six months, that is, on the* 1st *of January, and the* 1st *of July, in each year, the* cauzies *and* mufties *of the courts of civil judicature are to take and subscribe the following oath, before their respective courts :—"I, A. B.* cauzy (*or* mufty) *to the Sudder Dewanny Adawlut (or the provincial court of appeal for* ————, *or the court of* adawlut *of the* zillah *of*————,) *solemnly swear, that from the* 1st *of January to the* 30*th of June last (or from the* 1st *of July to the* 31*st of December last,) I have truly and faithfully executed the duties of* cauzy (*or* mufty) *of this court, to the best of my knowledge and ability; that I have not received, directly or indirectly, any present or* nuzzer, *in money or effects of any kind, from any party or person whomsoever, on account of any suit, which has been, or is to be instituted, or is depending, or has been decided in the court of which I am* cauzy (*or* mufty) ; *and that I have not, directly or indirectly, derived any advantage or emolument from my office, excepting such as the orders of Government authorized me to receive.*"

Mahomedan law officers of the Sudder Dewanny Adawlut, the Nizamut Adawlut, and the provincial court, to take the prescribed oath.

VI. The Mahomedan law officers of the Sudder Dewanny Adawlut, the Nizamut Adawlut, and the provincial court of appeal, are to take the oaths prescribed in Regulation VII. 1803; in their respective capacities of law officers to the Nizamut Adawlut and the court of circuit.

Declaration to be made by the *pundits* to the courts of civil judicature.

VII. The *pundits* to the courts of civil judicature, previous to entering upon the execution of the duties of their offices, are to make and subscribe the following declaration before the courts to which they may be respectively attached :—"I, A. B. *pundit* to the Sudder Dewanny Adawlut, or the provincial court of appeal for————, or the court of *adawlut* of the *zillah* of————, solemnly declare, that I will truly and faithfully execute the office of *pundit* of this court, according to the best of my knowledge and ability ; that I will answer all such questions as may be put to me in writing, or orally, by the said court ; that I will declare or give in writing what is in the *shaster* ; that I will not declare or give in writing what is not warranted by the *shaster* ; that if I declare any thing not warranted by the *shaster*, I shall be deserving of punishment from Ishwar. I promise and swear, that I will not receive, directly or indirectly, any present or *nuzzer*, in money or effects of any kind, from any party or person whomsoever, on account of any suit, to be instituted, or which may be depending, or has been decided in the court of which I am *pundit* ; and that I will not, directly or indirectly, derive any advantage or emolument from my office, excepting such as the orders of Government do, or may authorize me to receive."

Courts how to proceed in charges of corruption or extortion that may be preferred against law officers.

VIII. *First.* The rules prescribed in Section 12, Regulation XII. 1803, respecting charges of corruption or extortion, lodged against the native ministerial officers of the civil and criminal courts, are to be held applicable to charges of a similar nature, that may be preferred against the Hindoo or Mahomedan law officers of the several courts, with the following qualifications.

An appeal to lie to the Sudder Dewanny Adawlut from all decisions whatever passed by the provincial court of appeal under this section.

Second. An appeal shall lie to the Sudder Dewanny Adawlut from all decisions which may be passed by the provincial court of appeal, whereby a charge of corruption or extortion against any law officer may be decreed not proved, or by which any such charge may be adjudged to be proved, whatever may be the amount decreed to be paid, notwithstanding any thing that may appear to the contrary in any other regulation, passed under this date.

Cases in which decrees passed by the provincial court, or the *zillah* courts on such charges, are not to be enforced.

Third. No decree passed by any *zillah* court, or the provincial court of appeal, adjudging a Hindoo or Mahomedan law officer guilty of corruption or extortion, shall be carried into execution, in the event of the law officer against whom such decree may be passed, appealing from the decree ; and giving the securities required by Section 12, Regulation IV. 1803, and Section 10, Regulation V. 1803, in cases of appeals from decisions for sums of money passed by those courts respectively, and the execution of which they are empowered to suspend upon such securities being given.

Cases in which the *zillah* courts are to transmit the above decrees to the Governor General in Council.

Fourth. The *zillah* courts are to enforce by the usual process, all decrees that they may pass, adjudging the law officers guilty of corruption or extortion, which may not be appealed against within the limited time ; and transmit copies of the decrees to the Governor General in Council.

Provincial court is to transmit such decrees to the Governor General in Council.

Fifth. The provincial court is to enforce, by the usual process, all decrees which it may pass, adjudging its law officers, or the law officers of any *zillah* court, guilty of corruption

* This clause is rescinded by Section 4, Regulation XVIII. 1817.

2 or

or extortion, that may not be appealed against within the limited period; and transmit copies of the decrees to the Governor General in Council.

Sixth. The Sudder Dewanny Adawlut, is to transmit to the Governor General in Council, a copy of every decree which they may pass, adjudging a law officer of any civil or criminal court guilty of corruption or extortion, within one week after it may be given.

Sudder Dewanny Adawlut to transmit such decrees to the Governor General in Council.

Seventh. The Governor General in Council, upon the receipt of any decree, adjudging a law officer of a civil or criminal court, guilty of corruption or extortion, which may be transmitted to him under this section, reserves to himself the power of dismissing the offender from his office; or of both dismissing him from his office, and declaring him incapable of exercising any employment under Government. The Governor General in Council likewise reserves to himself the power of suspending any law officer, against whom a charge of corruption or extortion may be preferred, until a final decision shall be passed on the charge, whenever it may appear to him expedient, either upon the representation of any of the courts of judicature, or in consequence of any other information which may come before him.

Power reserved by the Governor General in Council in cases of law officers being convicted of corruption or extortion.

Eighth. When the provincial court of appeal, or a *zillah* court shall adjudge a charge of corruption, or extortion, that may have been preferred against any law officer, not to be proved, and the prosecutor shall not appeal from the decree, within the limited time, the court is to transmit a copy of it to the Governor General in Council. The Sudder Dewanny Adawlut, within the above-mentioned period, are to transmit to the Governor General in Council, copies of all decrees which they may pass, whereby any charge of corruption or extortion, that may have been preferred against any law officer, may be adjudged not proved.

Final decrees adjudging such charges not proved, to be transmitted to the Governor General in Council.

IX. Upon a vacancy occurring in any law office in a court of judicature, by death or resignation, the court is to report the vacancy to the Governor General in Council, and recommend a person duly qualified to fill it.

Vacancies how to be noticed.

A. D.

A. D. 1803. REGULATION XII.

A REGULATION *for the Appointment of the Ministerial Officers of the Civil, and Criminal Courts of Judicature, in the Provinces ceded by the Nawaub Vizier to the Honorable the English East India Company.*—PASSED *by the Governor General in Council, on the 24th of March* 1803; *corresponding with the* 12*th Chyte* 1209 *Bengal era; the* 16*th Chyte* 1210 *Fussily; the* 12*th Chyte* 1210 *Willaity; the* 16*th Chyte* 1860 *Sumbut; and the* 29*th Zekaad* 1217 *Higeree.*

THE following rules have been enacted for the appointment of the ministerial officers of the civil, and criminal courts of judicature, and for regulating their respective duties; including also provisions for receiving and trying any charges of corruption, or extortion that may be preferred against them, or against any private servants, or dependents of the judges of the courts. — Preamble.

II. The courts of civil and criminal judicature shall appoint their respective native officers, conformably to their establishments; (excepting the *naibs* of the *nazirs*, the *mirdahs*, and the *peons*,) and are empowered to remove such officers for incapacity, misconduct, or other cause that may appear to them sufficient, and to nominate other persons duly qualified for the appointments. The *nazirs* are to appoint their own *naibs*, and *mirdahs*, and the *peons* of the courts to which they may respectively belong; and to remove them at their pleasure. The *nazirs*, are to enter into a *moochulka*, or penal obligation, in such sum as may be required by the courts, to which they may be respectively attached, for the good behaviour of the *naibs*, *mirdahs*, and *peons* whom they may appoint. The courts are authorized to require similar *moochulkas*, or penal obligations, in such sums as they may judge proper, from the other native officers of their respective courts.

Courts to appoint their native officers. Exception to the rule. To remove them when they may judge it proper. *Nazirs* to appoint their own *naibs*, *mirdahs*, and *peons*. To execute penalty bonds for their good behaviour. Courts empowered to take similar obligations from the other native officers.

III. *First.* The registers to the courts of civil judicature, and their assistants, and all ministerial officers of the courts, who may be covenanted servants of the Company, are to be appointed by the Governor General in Council. Previous to entering upon the execution of the duties of their respective offices, they shall take and subscribe the following oath, in open court, before the judge, or judges of the court, to which they may be attached:

Oath to be taken by the registers and their assistants, and other ministerial officers.

"I, A. B. register (or assistant to the register, or other officer) to the Sudder Dewanny Adawlut, (or the provincial court of appeal for ———, or the court of *adawlut* of the *zillah* of ———,) solemnly swear, that I will truly and faithfully perform the duties of register (or assistant to the register, or other officer) to this court, according to the best of my knowledge and ability; that I will not receive directly, or indirectly, any present or *nuzzer*, in money or effects of any kind, from any party or persons whomsoever, on account of any suit to be instituted, or which may be depending, or has been decided in the court of *adawlut*, of which I am appointed register, (or to the register of which I am assistant, or other officer;) that I will not knowingly permit any person or persons under my authority, or in my immediate service, to receive directly or indirectly, any present or *nuzzer* in money or effects from any party or person whomsoever, on account of any suit to be instituted, or which may be depending, or has been decided in the court; that I will not be concerned, directly or

indirectly,

indirectly, in the purchase of any goods or commodities in the British dominions, subject to the presidency of Fort William, for the purpose of remitting money to Europe; nor in any commercial transactions; and that I will not derive directly or indirectly, any emoluments or advantages from my station, excepting such as the orders of Government do, or may authorize me to receive. So HELP ME GOD."

Registers to the Sudder Dewanny Adawlut and the provincial court of appeal, and other officers, to take the prescribed oath.

Second. The registers to the Sudder Dewanny Adawlut, and the provincial court of appeal, and their assistants, and all ministerial officers of those courts being covenanted servants of the Company, in their respective capacities of registers, and assistants to the registers, or officers to the Nizamut Adawlut, and the court of circuit; shall take the oath prescribed in Section 6, Regulation VII. 1803.

Oath to be taken by certain of the native officers of the civil and criminal courts.

IV. The *serishtadars*, or other head native officers, *moonshees*, *mohurrirs*, and *nazirs* of the civil and criminal courts, previous to entering upon the execution of the duties of their offices, shall take and subscribe the following oath, in open court, before the judge, or judges of the court, to which they may be attached:

"I, A. B. appointed to the office of *serishtadar* (or other head officer, or *moonshee*, *mohurrir*, or *nazir*) to the Sudder Dewanny Adawlut, or the Nizamut Adawlut, (or the provincial court of appeal for ———, or the court of circuit for the ——— (, or the court of *adawlut* of the *zillah* of ———,) solemnly swear, that I will truly and faithfully perform the duties of the office to which I have been nominated, to the best of my knowledge and ability; that I will not receive, directly or indirectly, any present or *nuzzer*, in money or effects of any kind, from any party whomsoever, on account of any suit to be instituted, or which may be depending, or has been decided in the court; that I will not knowingly permit any person or persons under my authority, or in my immediate service, to receive, directly or indirectly, any present or *nuzzer* in money or effects, from any party or person whomsoever, on account of any suit to be instituted, or which may be depending, or has been decided in the court; and that I will not derive, directly or indirectly, any advantages or emoluments from my office, excepting such as the orders of Government do, or may authorize me to receive."

Ministerial officers to perform all such official acts as may be prescribed to them by the judges.

V. The registers to the civil and criminal courts, are to perform all such official acts as may be prescribed to them by the judges of the courts; who are empowered to assign to all ministerial officers attached to their several courts, the particular duties, or business to be performed by them respectively.

Causes to be referred by the judges to their registers for trial and decision.

VI. The judges of the *zillah* courts are empowered and directed to refer to their registers for trial and decision, the causes, which may be filed in their respective courts, for money or personal property, where the amount or the value of the thing contested shall not exceed the sum of two hundred sicca rupees; or for *malguzaree* land, the annual produce of which shall not be above two hundred sicca rupees; or for *lakheraj* land, the produce of which shall not be more than twenty sicca rupees per annum. For the hearing and deciding the above-mentioned causes, the judges are to cause their registers to sit three days in every week, or oftener, if their other avocations will permit.

Registers to sit three days in every week to hear causes.

Where the register is to try the causes.

VII. The register is to try the suits which may be referred to him by the judge, in open court, at times when the judge himself may not sit; or in the event of the court room being occupied by the judge, in any other part of the *cutcherree*.

Rules for the trials.

VIII. In trying the causes, the register is to be guided by the same rules, as are prescribed for the trial of suits before the judge.

Decision of the register final for money or personal property, not exceeding twenty-five sicca rupees.

IX. The decision of the register shall be final, in all suits for money or personal property, the amount or value of which shall not exceed twenty-five sicca rupees. A discretionary power however is vested in the judges of the *zillah* courts, of revising the decisions passed by their registers, where the decree shall appear to them obviously unjust or erroneous, and to pass such decree as they may deem equitable; and the decree of the judge shall be final. But the judges are invariably to enter on the record of the trial, their reasons for revising such decisions of their registers.

In what cases an appeal shall lie from the decision.

X. *First.* From all decisions in suits for real property, and for money or personal property, the amount, or value of which shall exceed twenty-five sicca rupees, that may be passed by

by the registers to the *zillah* courts, an appeal shall lie to the judges of the *zillah* courts; under similar rules and regulations as are prescribed regarding appeals to the provincial court of appeal, from decisions passed by the judges, with the qualifications specified in the two following clauses.

Second. The petition of appeal shall be presented within thirty days, after the date of the decision, either to the register, or to the judge; but the judge is empowered to admit the appeal, although the petition should be presented after the prescribed time; provided the appellant shall show to his satisfaction, good and sufficient cause for not having filed the petition within the limited period.

Petition of appeal how to be presented.

Third. On the judge admitting an appeal from the decision of his register, he shall cause to be endorsed on the back of the petition, the word "admitted" (*munzoor*), and shall have the seal of the court affixed thereto, and attest the endorsement with his signature. He shall cause the petition so endorsed to be sent to the register, who shall thereupon submit to the judge, all the original proceedings and papers in the cause, with his original decree.

Judge to how proceed on admitting an appeal.

XI. The registers to the civil and criminal courts, after the rising of the courts, are to procure all acts of the courts to be executed. The assistants to the registers, and the native officers attached to the courts, are to assist the registers, in performing the above-mentioned duties, and in translating, and transcribing papers; and in arranging, and keeping the records of the courts. The registers, and their assistants, and the native officers, are to perform the duties specified in this section, in the manner, and conformably to the rules, which the judges of the courts to which they may be respectively attached, may think it proper to prescribe. The native officers of each court, are not to interfere in any other manner than as above directed, publicly or privately, in any cause or matter depending before the court, or which may have been, or shall be intended to be brought before it.

Duties to be performed by the registers, assistants, and native officers.

XII. *First.* The ministerial officers of the civil and criminal courts (under which designation are comprehended the registers, and the assistants to the registers, or any other subordinate officers being covenanted servants of the company, and all native officers attached to the courts, excepting the law officers,) are declared amenable to the courts to which they may be respectively attached, for acts of corruption or extortion; and the courts are empowered to receive any such charges that may be preferred against them. Previous however to receiving the charge, the courts are to require the complainant to make oath to the truth of it, (or subscribe the required declaration, if he shall come within the description of persons whom the courts are empowered to exempt from taking oaths,) and give security in whatever sum they may judge proper, to prosecute the charge without delay. Unless the complainant shall previously take the oath, or subscribe the above-mentioned declaration, and give the required security, the courts are not to receive the charge.

Ministerial officers of the courts amenable to their respective courts for corruption and extortion.

Oath or declaration to be made, and security to be given by the complainant.

Second. The Sudder Dewanny Adawlut, and the Nizamut Adawlut, are empowered to receive any charge of corruption or extortion, not relating to any suit or matter depending before them, or decided by them, that may be preferred to them against any ministerial officer of the provincial court of appeal, or court of circuit, and to refer it to the court to which the accused may be attached, by a precept under the seal of the court, and attested by the register; provided the complainant shall prove, to their satisfaction, that he preferred the charge, in the first instance, to such court, and offered to make the required oath or declaration, and to give the security prescribed in clause first, and that the court notwithstanding omitted or refused to receive the charge; and shall moreover make the required oath or declaration, and enter into the security prescribed in the above-mentioned clause. But if any person shall prefer a charge of corruption or extortion, against any ministerial officer of the provincial court of appeal, or court of circuit, to the Sudder Dewanny Adawlut, or Nizamut Adawlut, in any appeal or matter which may be depending, or has been decided in the two last-mentioned courts, the courts may receive the charge, and refer it to the provincial court of appeal, or court of circuit, to which the accused may be attached, without further enquiry; provided the complainant shall previously make the oath or declaration, and give the security required in clause first.

Case in which the Sudder Dewanny Adawlut and the Nizamut Adawlut are empowered to receive charges against the ministerial officers of the provincial court of appeal and court of circuit.

How the courts are to proceed, if the charge shall not relate to any matter depending before them, or decided by them.

How the courts are to proceed, if the charge relate to any matter depending before them, or decided by them.

Third. The Sudder Dewanny Adawlut is empowered to receive charges of corruption or extortion, not relating to any matter depending before them, or decided by them, that may be preferred

Cases in which the Sudder Dewanny Adawlut is

empowered to receive charges against the ministerial officers of any *zillah* court.

How the court is to proceed, if the charge relate not to any matter depending before it, or which may have been decided by it.

preferred to them against any ministerial officer of a *zillah* court, and to order the court to which the accused may be attached, by a precept under their seal, and attested by their register, to receive the charge; provided the complainant shall prove to their satisfaction, that he preferred the charge in the first instance, to such *zillah* court, and offered to make the required oath or declaration, and give the security prescribed in clause first, and that the court notwithstanding, omitted, or refused to receive the charge; and provided also, that the complainant shall further prove, to the satisfaction of the court, that in consequence of such refusal he preferred the charge to the provincial court of appeal, and offered to make the required oath or declaration, and give the security prescribed in clause first, and that the provincial court nevertheless omitted, or refused to receive the charge; and shall moreover make the required oath or declaration, and enter into the security prescribed in the above-mentioned clause. The Sudder Dewanny Adawlut is likewise empowered to receive charges of corruption, or extortion, which may be preferred against a ministerial officer of a *zillah* court, that may have been preferred in the first instance to the provincial court, in any appeal or matter depending before it, or which may have been decided by it, and to refer it to the provincial court, or to the *zillah* court, to which the accused may be attached; provided the complainant shall prove to the satisfaction of the court, that he preferred the charge to the provincial court, and offered to make the required oath, or declaration, and give the security prescribed in clause first; and shall moreover make the required oath or declaration, and enter into the security prescribed in the above-mentioned clause. But if any person shall charge a ministerial officer of any *zillah* court, before the Sudder Dewanny Adawlut, with corruption, or extortion, in any suit or matter, that may be depending before it, or which may have been decided by it, the court may receive the charge, and refer it for trial to the *zillah* court, to which the offender may be attached, without further inquiry; provided the complainant shall previously make the prescribed oath or declaration to the truth of the charge, and give the security required in clause first.

Court how to proceed, if the charge relate to any matter depending before it, or which may have been decided by it.

Cases in which the provincial court of appeal is empowered to receive charges against the ministerial officers of the *zillah* courts.

Fourth. The provincial court of appeal is empowered to receive any charge of corruption, not relating to any suit, or matter depending before them, or decided by them, that may be preferred to them against any of the ministerial officers of the *zillah* courts, within their respective jurisdictions, and to refer the charge to the court, to which the accused may be attached; provided it be proved to their satisfaction, that the accuser preferred the charge, in the first instance, to such *zillah* court, and offered to make the oath or declaration, and give the security required in clause first, and that the court, notwithstanding, omitted or refused to receive the charge. But if any person shall charge a ministerial officer of any *zillah* court, with corruption or extortion, in any appeal or matter which may be depending or which has been decided in the provincial court, such court may receive the charge, and refer it to the *zillah* court to which the accused may be attached, without further inquiry; provided the complainant shall previously make the prescribed oath or declaration, and give the security required in clause first.

Sudder Dewanny Adawlut and Nizamut Adawlut, how to proceed in respect to a charge not proper to be referred to the court to which the accused is attached.

Fifth. If the Nizamut Adawlut shall receive a charge of corruption, or extortion against any ministerial officer of the court of circuit, or if the Sudder Dewanny Adawlut shall receive any such charge against a ministerial officer of the provincial court of appeal, or a *zillah* court, and there shall appear to those superior courts respectively, upon a consideration of the circumstances of the case, any objections to referring the charge to the court, to which the accused may be attached, they are empowered, according as they may judge expedient, either to cause the charge to be tried by the Sudder Dewanny Adawlut, or if the charge be against any ministerial officer of a *zillah* court, to cause it to be tried by the provincial court of appeal.

Provincial court how to proceed in respect to a charge not proper to be referred to the court to which the accused is attached.

Sixth. If the provincial court of appeal shall receive a charge of corruption, or extortion, against any ministerial officer of a *zillah* court, and there shall appear to the court, upon a consideration of the circumstances of the case, any objections to referring the charge to the court to which the accused may be attached, they are to report the grounds of their objections to the Sudder Dewanny Adawlut; which court are empowered to cause the charge to be tried by the provincial or *zillah* court, according as they may deem expedient.

Charges of corruption or extortion are to be considered as civil actions.

Seventh. Charges of corruption or extortion, that may be preferred against the ministerial officers of any civil or criminal court of judicature, under this section, are to be consider-

ed as civil actions; and accordingly are to be prosecuted in the civil courts; conformably to this rule, whenever the Sudder Dewanny Adawlut, or the Nizamut Adawlut, may receive any such charge against their own officers, or exercise the powers vested in them by clause fifth, they are to direct the complainant to prosecute the charge in the Sudder Dewanny Adawlut; and whenever the provincial court of appeal, or the court of circuit, may receive any such charge against any of their own ministerial officers, or the ministerial officers of any *zillah* court; or in the event of any such charge being referred to them, they are to direct the complainant to prosecute the charge before the provincial court of appeal; and whenever any *zillah* court may receive any such charge against their ministerial officers, or any such charge may be referred to them by the Sudder Dewanny Adawlut, or the provincial court of appeal, they are to direct the complainant to prosecute the charge in the court of *adawlut* of the *zillah*.

How to be proceeded on in this respect.

Eighth. If a native ministerial officer of any civil or criminal court, who may be prosecuted for corruption or extortion, under this section, shall be proved to have received, or taken, the whole, or any part of the money or property which he may be charged with having received or taken, the court is to adjudge him to refund the amount or value of the money or property, which he may be proved to have so received or taken; and to pay a fine of three times the amount of it to Government. In enforcing the decision, the court is to observe the rules prescribed for enforcing other decisions of the court. If the officer against whom such decree may be passed shall not appeal from it, within the limited time, or if an appeal shall not lie from the decision, the court is to transmit a copy of the decree to the Governor General in Council. If an appeal shall lie from the decision, and such officer shall prefer an appeal, and the decision shall be confirmed in appeal, the court by which the final decision may be passed, is to transmit a copy of it to the Governor General in Council, who reserves to himself the power of declaring such officer incapable of serving Government in any capacity. The court may suspend a native officer, against whom a charge of corruption or extortion may be preferred, until the final decision may be passed, if they shall see cause for so doing.

Judgment to be passed by the courts, in the event of a charge of corruption or extortion being proved against any native ministerial officer.

Ninth. If a ministerial officer of any civil or criminal court, being a covenanted servant of the Company, who may be prosecuted for corruption or extortion under this section, shall be proved to have received or taken the whole, or any part of the money or property which he may be charged with having received or taken, the court shall adjudge him to refund the amount or value of the money or property which he may be proved to have so received or taken; and to pay a fine of three times the amount to Government. If the officer against whom such decree may be passed, shall not appeal from it within the limited time, the court by which the decree may be given, is to transmit a copy of it to the Governor General in Council. If an appeal shall lie from the decision, and the decree shall be confirmed in appeal, the court in which the final decision may be passed, is to transmit a copy of it within one week after it may be passed, to the Governor General in Council, who will order the amount of the decree to be deducted from the allowances payable to such officer from Government; or take such other measures as he may judge expedient for enforcing payment of it. Such officer shall be liable to be dismissed by the Governor General in Council, from his appointment, or suspended from the service of the Honorable Company. A copy of every decree passed by a court, acquitting a ministerial officer of a charge of corruption or extortion, is to be transmitted by the court to the Governor General in Council, within one week after it may be passed. The Governor General in Council, in cases in which from the circumstances he may judge it expedient, will suspend any such ministerial officer from his appointment, until a final decision be passed on the charge.

Judgment to be passed on a charge of corruption.

Tenth. All process which may be issued under this section, against the ministerial officer of any court, who may be a covenanted servant of the Company, is to be transmitted to him, under a cover, sealed in the form of a letter, directed to his address, and superscribed by the register with his name and official appellation; or, if the charge be against the register of the court from which the process may issue, the superscription is to be made by any ministerial officer attached to the court, being a covenanted servant of the Company; or, if there be no such servant, by the judge of the court, if it be a *zillah* court; or, if it be the court of appeal, by the junior judge of the court. The officer to whom the process may be issued, is

Process issued against servants of the Company under this section, how to be served.

is to return it, under a cover to the judge or officer by whom the cover may be superscribed, with an endorsement acknowledging the receipt of the process.

An appeal to lie to the Sudder Dewanny Adawlut from the above decrees.

Eleventh. An appeal shall lie to the Sudder Dewanny Adawlut, from all decisions that may be passed by the provincial court of appeal, on charges of corruption or extortion, preferred against any ministerial officer of a civil or criminal court, being a covenanted civil servant of the Company; whether the decree adjudge the charge to be proved or not, and whatever may be the amount decreed.

Officers at liberty to prosecute persons preferring groundless charges.

Twelfth. If any person shall prefer a charge of corruption or extortion against a ministerial officer of any civil or criminal court of judicature, under this section, and the charge shall not be proved, the accused is to have the option of suing the accuser for damages, in any court of civil judicature to which he may be amenable.

Court of appeal and circuit, and *zillah* courts, to report any misconduct of their registers or their assistants.

XIII. The provincial court of appeal, and the court of circuit, and the *zillah* courts, are enjoined to report to the Sudder Dewanny Adawlut, or to the Nizamut Adawlut, (according to the nature of the case,) whenever their registers, or the assistants to their registers, or other ministerial officers attached to their courts, who may be covenanted servants of the Company, shall be guilty of neglect or misconduct (other than corruption or extortion) in the discharge of their duty.

Punishment for persons not attached to the courts, convicted of corruption or extortion.

XIV. If a native servant or dependant of any judge of a civil or criminal court of judicature, not being a public officer attached to the court, shall extort or receive, directly or indirectly, any money or other valuable consideration, under any pretence whatever, from any party or person, on account of any suit to be instituted, or that may be depending, or has been decided in the court, he shall be committed as for a contempt of court, and be punished by a fine, equal to treble the sum of money extorted or received; or by imprisonment, or corporal punishment, at the discretion of the court; and the judge is required to discharge such servant or dependant, and never to employ him, directly or indirectly, in his public or private capacity. If the offender shall not appeal against the decree within the limited time, or if an appeal shall not lie from the decision, or if the decision shall be confirmed in appeal, the court by which the final decree may be passed, shall transmit a copy of it to the Governor General in Council, and the offender, in addition to the penalties or punishments specified in the decree, shall be further liable to be declared by the Governor General in Council incapable of serving Government in any capacity whatever.

Report to be made of any casualty in respect to the office of judge or magistrate.

Duties of the register and assistant in such case.

XV. In cases where the charge of the offices of judge and magistrate of any *zillah*, may from death, indisposition, or other casualty, devolve to the register, or senior assistant on the spot, without any express provision for the same having been made by the Governor General in Council, as specified in Section 23, Regulation II. 1803, an immediate report of the circumstances of the case is to be made by such register or assistant, to the Governor General in Council for his orders; and till the receipt thereof, he is to confine himself to the discharge of the proper duties of his station as register or assistant, and to the exercise of such part of the powers of judge and magistrate as may be indispensably necessary for the immediate execution of processes from the provincial court of appeal and circuit, or of orders from the Sudder Dewanny and Nizamut Adawluts, for preserving the peace of the district, or for such other cases of emergency as will not admit of delay.

Limitation of the powers of register or assistant.

XVI. The registers to the civil or criminal court of judicature, are not to exercise any judicial, or other powers, in any case or matter coming within the cognizance of the courts, excepting the powers which they may be authorized to exercise by the regulations in that respect established.

Assistants may in certain cases be employed judicially.

XVII. The *zillah* magistrates are authorized to employ their assistants, in the execution of such part of their prescribed duties, as from the extent of their general business, or other cause, they may be unable to give due attention to themselves; provided, that previous to any such assistants' entering upon the exercise of judicial authority, he shall take and subscribe before the magistrate the following oath:—

Oath to be taken by such assistants previous to exercising judicial powers.

"I, A. B. assistant to the magistrate of the *zillah* of ——— solemnly swear, that I will to the best of my ability, assist the said magistrate in preserving the peace of the *zillah* over which his authority extends; that I will act with impartiality and integrity, and will not exact

exact or receive, nor knowingly allow any other person to exact or receive, directly or indirectly, any fee, emolument, or reward whatsoever, in the execution of any matter relating to the duties of my office, excepting such as the orders of the Governor General in Council do, or may expressly authorize; and that I will perform the duties of my office according to the best of my knowledge, abilities, and judgment, conformable to the regulations that have been, or may be passed by the Governor General in Council. So HELP ME GOD."

XVIII. The assistants to the *zillah* magistrates who may have taken and subscribed the foregoing oath, are authorized to exercise the judicial power vested in the magistrates by the established regulations, as far as may be necessary to enable them to perform the duties committed to them respectively, by the magistrates with whom they are stationed.

Assistants sworn as above, may in certain cases, act judicially.

XIX. The judges of the* zillah *courts, whenever the number of appeals from the decisions of the native commissioners may be such as to render it impracticable for them to try them, without neglecting their other more important duties, are empowered to refer to their registers, as many of such appealed causes as they may think proper; provided the property in dispute does not exceed in amount the sum of twenty-five sicca rupees: and the decrees of the register thereon shall be final, as in suits to the same amount originally referred to them under Section 9.*

Judges empowered to refer to their registers, appeals from the decisions of commissioners not exceeding twenty-five rupees.

Register's decrees final on such appeals.

XX. *First.* All process whatsoever which it may be necessary to issue in suits, referred for trial to the register, shall issue under the seal of the court, and signature of the register, and shall be executed by the officers of the court; and considered in every respect of the same force and validity, as similar process issued in causes under trial, before the judge.

How process in suits referred for trial to the register is to issue.

Second. The causes referred to the register for trial, are to be pleaded either by the parties in person, or by the authorized *vakeels* of the court.

How such suits are to be pleaded.

XXI. This regulation is not to be construed to prevent the judges from trying in the first instance any causes declared cognizable by the registers, in the event of their having time for the trial of any such causes, or of their deeming it proper for special reasons to try any particular cause or causes of such description, nor to prevent them referring to the native commissioners, such suits as are cognizable by them under Regulation XVI. 1803.

Judges may try the causes cognizable by the register in the cases herein specified.

* Rescinded by clause fourth, Section 16, Regulation VIII. 1805.

A. D.

A. D. 1803. REGULATION XV.

A REGULATION *for providing for Differences of Opinion between the Judges of the Provincial Court of Appeal, and Court of Circuit, established in the Provinces ceded by the Nawaub Vizier to the Honorable the English East India Company; and prescribing Rules regarding other Matters connected with their official Situation.*—PASSED *by the Governor General in Council, on the 24th of March* 1803; *corresponding with the* 12*th Chyte* 1209 *Bengal era; the* 16*th Chyte* 1210 *Fussily; the* 12*th Chyte* 1210 *Willaity; the* 16*th Chyte* 1860 *Sumbut; and the* 29*th Zekaad* 1217 *Higeree.*

THE following provisions are made for cases, in which a difference of opinion may arise amongst the judges of the provincial court of appeal, or court of circuit; and for other matters connected with their official duty. Preamble.

II. In cases where a difference of opinion may arise amongst the judges of the provincial court of appeal, or court of circuit, the opinion of the majority shall determine. When there shall be only two judges in court, the senior of the two judges shall have a casting vote. Each judge, however, shall have the liberty of recording the grounds of his opinion on the proceedings of the court. Provisions respecting differences of opinion.

III. Two judges shall be necessary to hold a court of appeal. Two judges to form a court of appeal.

IV. No decree in a suit or appeal brought before the provincial court of appeal shall be valid, unless passed by two judges present in court. The decrees are to be signed by the judges by whom they may be passed. Decrees not valid, unless passed by two judges.

V. The provincial court of appeal is to meet on three fixed days in each week, or oftener, if business shall require it. The extra meetings are to be summoned by the register, upon receiving orders for that purpose from the first judge, or the senior judge on the spot, to whom it shall be left to determine, when, and how often, such extra meetings shall be summoned. But the court shall not sit on Sundays, on any occasion whatever. Meetings of the court.

VI. The judges of the provincial court of appeal are not to absent themselves from their stations, without the previous sanction of the Sudder Dewanny Adawlut; nor shall any judge omit to sit in court on court days, unless prevented by indisposition, or other unavoidable cause, which shall be entered on the proceedings of the court. If a judge shall be under the necessary of absenting himself from court for three meetings, successively, he shall notify the same to the Sudder Dewanny Adawlut, with the circumstances that prevented his attendance. Rules relating to the absence or indisposition of any of the judges.

VII. In the event of difference of opinion between the senior judge and the other judge, who may remain at the *sudder* station, (in conformity to Section 13, Regulation VII. 1803,) in causes where the decision of the provincial court are final, the senior judge shall have the casting voice; and the decree shall be made in conformity to his sentiments, provided they go to affirm the decree of the inferior court. But where the senior judge may declare, in opposition to the other judge, that the decree of the inferior court should be reversed, or altered, the suits on which such difference of opinion may exist, shall stand over for judgment, until the return of the absent judge from the circuit, when they shall be decided by the majority of voices. Provisions for cases of difference of opinion between the senior judge, and the other judge, who may remain at the *sudder* station.

A. D. 1803. REGULATION XXII.

A REGULATION *for the Guidance of the Courts of Justice established in the Provinces ceded by the Nawaub Vizier to the Honorable the English East India Company, in Cases of Difference of Opinion on the Meaning and Construction of the Regulations.*—PASSED *by the Governor General in Council, on the 24th of March* 1803; *corresponding with the* 12*th Chyte* 1209 *Bengal era; the* 16*th Chyte* 1210 *Fussily; the* 12*th Chyte* 1210 *Willaity; the* 16*th Chyte* 1860 *Sumbut; and the* 29*th Zekaad* 1217 *Higeree.*

Preamble.

WHEREAS doubts may arise as to the duty of the *zillah* judges and magistrates, in cases where they may construe the general rules prescribed by Government, in a different sense from the construction given thereto by the judges of the provincial court of appeal, and the court of circuit; and it being of consequence, to prevent delay in the administration of justice, that a clear rule of conduct should be established to provide for such cases; the Governor General in Council has therefore enacted the following rules.

Zillah judges and magistrates may state objections to precepts of the provincial court, or court of circuit, is considered contrary to, or unwarranted by the regulations; and suspend execution till receipt of a second precept.

II. In all instances where a precept issued by the provincial court of appeal, or court of circuit, to a *zillah* judge or magistrate, shall appear to such judge or magistrate to be contrary to, or unwarranted by the existing regulations, he is authorized to state to the provincial court, or court of circuit, in what respect he considers their precept to be in deviation from the regulations, and suspend execution till receipt of a second precept in reply to his objections. But if the second precept of the provincial court, or court of circuit, in reply to the objections of the *zillah* judge or magistrate, shall confirm their first precept, in whole or in part, and shall require the *zillah* judge or magistrate to execute the same without further reference, he shall immediately comply with such requisition. In case, however, the second precept of the provincial court, or court of circuit, should not satisfy the *zillah* judge or magistrate, that the regulations have been rightly construed by the provincial court, or court of circuit, he is at liberty, at the same time that he certifies the execution of the order of the provincial court, or court of circuit, to request that they will transmit copies of their precepts to him, and his returns thereto, with such other papers as may be necessary for the information of the circumstances of the case, to the court of Sudder Dewanny Adawlut, or the court of Nizamut Adawlut, according as the case in question may relate to the civil or criminal department; and the provincial court, or court of circuit, shall accordingly transmit such papers as are requested, without any unnecessary delay. Provided nevertheless, that nothing in this regulation be understood to authorize any *zillah* judge or magistrate to question the propriety of any order issued by a provincial court, or court of circuit, in cases clearly left to the discretion and judgment of the provincial court or court of circuit, by the regulations; the reference to them, and eventually to the courts of Sudder Dewanny Adawlut and Nizamut Adawlut, as meant to be authorized by this regulation, being confined to cases in which the sense of the regulations, from a difference of construction, or otherwise, may appear doubtful and uncertain.

Second precept to be carried into immediate execution, if required.

But the *zillah* judge and magistrate may request a reference of the case of Nizamut or Sudder Dewanny Adawlut.

Proviso.

Determination of the Nizamut or Sudder Dewanny Adawlut to be conclusive.

III. In all instances where a reference to the court of Sudder Dewanny Adawlut, or Nizamut Adawlut, may be made under the preceding rule, the determination of those courts, who

who are empowered to prescribe the forms and conduct to be observed by the provincial, and *zillah* courts of *adawlut*, the court of circuit, and the *zillah* magistrates, in all cases provided for by the regulations, agreeably to their construction thereof, is to be held final and conclusive.

Sudder Dewanny and Nizamut Adawluts to report to the Governor General in Council any case in which they have doubts on the meaning of the regulations.

IV. Should any doubt occur to the Sudder Dewanny, or the Nizamut Adawlut, with respect to the meaning of any part of the regulations, or should it appear to them, on occasion of any reference from the provincial or *zillah* courts, the court of circuit, or the *zillah* magistrates, that the regulations do not sufficiently provide for the case submitted to their decision, they are, in the former case, to report the circumstances of it to the Governor General in Council, that a new regulation may be framed in explanation of such doubt; and in the latter case, are to propose a new regulation.

A. D. 1803. REGULATION XLVI.

A REGULATION *for the Appointment of the Cauzy-ul-Cozaat, or Head Cauzy of the Provinces of Bengal, Behar, Orissa, and Benares, to be the Head Cauzy of the Provinces ceded by the Nawaub Vizier to the Honorable the English East India Company.*—PASSED *by the Governor General in Council, on the 24th March* 1803; *corresponding with the 12th Chyte* 1209 *Bengal era; the 16th Chyte* 1210 *Fussily; the 12th Chyte* 1210 *Willaity; the 16th Chyte* 1860 *Sumbut; and the 29th Zekaad* 1217 *Higeree.*

Preamble.

THE office of *cauzy* being requisite at the cities, and principal towns, and in the *pergunnahs*, for the purpose of preparing and attesting deeds of transfer and other law papers, celebrating marriages, and performing such religious duties or ceremonies prescribed by the Mahomedan law, as have been hitherto discharged by them under the native Government; and the nature of the above-mentioned duties rendering it necessary that persons of character, and duly qualified with respect to legal knowledge, should be appointed to these offices; and to encourage them to discharge their trusts with diligence and fidelity, they should not be liable to removal, unless proved to be incapable or guilty of misconduct to the satisfaction of the Governor General in Council; the following rules have been accordingly enacted.

Head *cauzy* of the three provinces to be head *cauzy* of the ceded provinces.

Not to be removed but for incapacity or misconduct proved to the satisfaction of the Governor General in Council.

II. *First.* The *cauzy ul cozaat*, or head *cauzy* of Bengal, Behar, Orissa, and Benares, shall be head *cauzy* of the provinces ceded by the Nawaub Vizier to the Honorable the English East India Company, and shall not be removable from his office, but for incapacity or misconduct in the discharge of his public duty, or acts of profligacy in his private conduct, proved to the satisfaction of the Governor General in Council.

Seal of the head *cauzy*.

Second. The head *cauzy* is to use a circular seal, two inches in diameter, on which shall be inscribed the designation of his office, and his name, in the Persian language, as follows:—"The seal of the *cauzy ul cozaat* of the provinces of Bengal, Behar, Orissa Benares, and ceded provinces." (Name of the head *cauzy*.)

Rule in the preceding section applied to the *cauzies* stationed in the interior parts of the country.

III. *First.* The *cauzies* stationed in the cities, towns, or *pergunnahs* in the ceded provinces, shall not be removable from their offices, excepting for incapacity or misconduct in the discharge of their public duty, or acts of profligacy in their private conduct. The *cauzies* so stationed, are to use a circular seal, one inch and a half in diameter, on which shall be inserted the designation of their office, and their name, in the Persian language, as follows: "The seal of the *cauzy* of the city (town, *pergunnah* or *pergunnahs*) of———." (Name of the *cauzy*.)

Rule in the preceding clause not to preclude the Governor General in Council from abolishing the office of *cauzy* at any place, where he may deem the continuance of such an officer unnecessary.

Second. The rule contained in the preceding clause, is not to be construed to preclude the Governor General in Council from abolishing the office of *cauzy* at any place, where from the number of *cauzies* stationed in the district, or other cause, the continuance of such an officer may appear to him unnecessary.

Vacancies in the office of *cauzy*, in the interior

IV. When the office of *cauzy* in any *pergunnah*, city, or town shall become vacant, the judge of the *zillah* court, within whose jurisdiction the place may be situated, is immediately to report the vacancy to the Governor General in Council, and recommend such person

parts of the country, how to be supplied.

person as may appear to him best qualified for the succession from his character and legal knowledge. The name of the person so recommended, is to be communicated to the head *cauzy*, who, if he shall deem him unqualified for the office, either from want of legal knowledge, or the badness of his private character, is to report the same in writing to the Governor General in Council, who reserves to himself the power of appointing such person to the office, or not, or of conferring it upon any other person, according as may appear to him proper. If there shall appear to the head *cauzy* no objection to the appointment of the person who may be so recommended, he is to report accordingly to the Governor General in Council. The person who may be appointed to the office, shall be furnished with a *sunnud* of appointment under the official seal of the head *cauzy*, in which the date of his appointment is to be specified.

Office of *cauzy* declared not hereditary.

V. The office of *cauzy* is declared not to be hereditary.

Courts of judicature to report incapacity or misconduct in the *mofussil cauzies* to the Governor General in Council.

VI. *First.* The *zillah* courts, and the provincial court of appeal, are to report to the Governor General in Council, every instance in which it may appear to them, that the *cauzy* of any *pergunnah*, city, or town, within their respective jurisdictions, is incapable, or in which it may be proved to their satisfaction that he has been guilty of negligence or misconduct in the discharge of his public duty, or of acts of profligacy in his private conduct.

Similar reports to be made by the head *cauzy*.

Second. It shall likewise be the duty of the head *cauzy* to report to the Governor General in Council in writing, every instance in which it may appear to him, that the *cauzy* of any city, town, or *pergunnah*, is incapable, or in which any such *cauzy* may have been guilty of misconduct in the discharge of his public duty, or acts of profligacy in his private conduct.

Records to be kept by the head *cauzy* and the *cauzies* stationed in the interior parts of the country, which are to be delivered complete to their successors.

VII. The head *cauzy*, and the *cauzies* stationed in the cities, *pergunnahs*, and towns, are to keep copies of all deeds, and law or other papers, which they may draw up, or attest, and are to affix thereto their seals and signatures. They are likewise to keep a list of all such papers, and in the event of their death, resignation, or removal, the list and papers are to be delivered complete to their successors.

Rules regarding the fees of the *cauzies*.

VIII. The *cauzies* stationed in the cities, towns, and *pergunnahs* are not to exact any fees for drawing up, or attesting papers, or for the celebration of marriages, or the performance of any religious duties or ceremonies which it has been customary for them to perform, excepting such as the parties concerned may voluntarily agree to pay, as has been hitherto the practice.

Judges of the *zillah* courts to report the number of *cauzies* stationed in their respective jurisdictions.

Cauzies how to be stationed.

IX. Upon the receipt of this regulation, the judges of the *zillahs* are to transmit to the Governor General in Council, the names of the places in their respective jurisdictions in which *cauzies* are stationed, the names of the *cauzies*, and what number of *cauzies* they deem sufficient for their respective jurisdictions. The judges of the *zillahs* are to fix the residence of the *cauzies* stationed in the *pergunnahs* in the most centrical places.

Judges to furnish the *cauzies* with copies of the translates of all regulations.

X. The judges in the ceded provinces are to furnish the *cauzies* stationed in their respective jurisdictions, with copies of the Persian and Hindoostanee translates of all regulations printed and published in the manner directed in Regulation I. 1803.

Cauzies stationed in the *zillahs* liable to be sued in the cases herein specified.

XI. The *cauzies* stationed in the several *zillahs*, are to be liable to be sued in the court of *adawlut* for any undue practices in the discharge of the duties which shall be prescribed to them by any regulation, printed and published in the manner directed in Regulation I. 1803.

A. D. 1804. REGULATION V.

A REGULATION *to provide for the Appointment and Removal of the Native Officers of Government in the Judicial, Revenue, and Commercial Departments; and in the Departments of Salt, Opium, and Customs; also to make further Provision for administering the Oath prescribed by the Statute* 33 *Geo. III. Cap.* 52.—PASSED *by the Governor General in Council, on the* 16*th of August* 1804; *corresponding with the* 2*d Bhadoon* 1211 *Bengal era; the* 25*th Sawun* 1211 *Fussily; the* 2*d Bhadoon* 1211 *Willaity; the* 10*th Sawun* 1861 *Sumbut; and the* 9*th Jemaud-ul-Awul* 1219 *Higeree.*

Preamble.

FOR the purpose of ensuring a faithful, diligent, and able discharge of the important duties assigned to the native officers who are employed on the part of Government, in the several public offices of the judicial, revenue, and commercial departments, and in the departments of salt, opium, and customs, it is essential that those officers (with an exception of the *naib nazirs, mirdahs, peons*, and *burkundazes*, and similar descriptions of public servants who are nominated, and removed upon sufficient cause, by their immediate superiors, under the responsibility of the latter for their good conduct) should be secured in the possession of their respective offices, whilst they discharge the duties assigned to them with diligence, ability, and integrity; that the persons appointed to fill all vacancies in such offices should be selected with due regard to their characters and qualifications; and that they should not be liable to removal from their appointments without proof of their incapacity or misconduct. These objects have been in part provided for by the rules in force concerning the appointment and removal of the law officers of the courts of justice; the *cauzy ul cuzaut*, and *cauzies* of the towns, cities, and *pergunnahs*; and the native officers appointed to keep the records of the courts of judicature, civil and criminal, as well as the keepers of the revenue records in the several collectorships; the whole of whom are appointed by the Governor General in Council, and are not removable without sufficient cause, established to his satisfaction. The principal native officers employed in the police are also, under the existing regulations, not liable to be removed from their stations without proof of incapacity or misconduct to the satisfaction of the Governor General in Council; and the native commissioners, for the trial and decision of civil causes to a small amount, who are appointed with the approbation of the court of Sudder Dewanny Adawlut, are not removable, during the period of their commissions, without sufficient cause proved to the satisfaction of that court. The *zillah khazanchies*, or native cash-keepers under the collectors, are in like manner, required to be appointed with the approbation of the Board of Revenue, and are declared not to be removable, except for misconduct or other sufficient cause proved to the satisfaction of that Board. But in other instances, it is not required by the existing regulations that the sanction of the Governor General in Council, or the approbation of the Sudder Dewanny Adawlut, and Nizamut Adawlut, or of the Boards of Revenue and Trade, be obtained to the appointment of the native officers employed on the part of Government in the judicial, revenue, and commercial departments, or in the departments of salt, opium, and customs, nor has any general provision been made for securing the continuance of such officers in their repective situations, whilst they perform the duties assigned to them with attention and fidelity. His

Excellency

Excellency the Most Noble the Governor General in Council, has therefore enacted the following further rules, to be in immediate force within the provinces of Bengal, Behar, and Orissa, (including Cuttack,) the province of Benares, and the provinces ceded by the Nawaub Vizier.

Section 2, Regulation XIII. 1793, and Section 2, Regulation XII. 1803, rescinded in part.

II. Such parts of Section 2, Regulation XIII. 1793, (extended to Benares by Regulation XII. 1795,) and of Section 2, Regulation XII. 1803, for the provinces ceded by the Nawaub Vizier, as authorize the courts of civil and criminal judicature to appoint their respective native officers, (excepting the *naibs* of the *nazirs* the *mirdahs*, and the *peons*,) and to remove such officers for incapacity, misconduct, or other cause that may appear to them sufficient, are hereby rescinded.

Section 13, Regulation II. 1793, and Section 13, Regulation V. 1795, rescinded in part.

III. Such parts of Section 13, Regulation II. 1793, and Section 13, Regulation V. 1795, as declared the appointment and dismission of native public servants on the establishments of the collectorships (the keepers of the records and the *khazanchies* excepted) to be vested in the collectors of the revenue, are also hereby rescinded.

Head native officers herein specified not to be removed from their offices without the sanction of the Governor General in Council.

IV. The head ministerial native officers, who are now, or may be hereafter, employed in the courts of Sudder Dewanny Adawlut and Nizamut Adawlut, the provincial courts of appeal and circuit, the *zillah* and city civil courts, and the courts of the magistrates in the several *zillahs* and cities, the head native officers who are now or may be hereafter employed under the secretary to the Board of Revenue, or the collectors of the revenue, and the head native officers who are now or may be hereafter employed under the secretary to the Board of Trade, the commercial residents, or agents, the agents for the provision of salt and opium, or the collectors of the customs, shall not be removed from their respective offices without the sanction of the Governor General in Council.

Applications of the head native officers for permission to resign, to be publicly recorded and submitted to the Governor General in Council through the prescribed channels.

V. Whenever the head ministerial native officers of the courts of Sudder Dewanny Adawlut and Nizamut Adawlut, of the provincial courts of appeal and circuit, of the city and *zillah* civil courts, of the courts of the magistrates in the several *zillahs* and cities, or the principal native officers employed under the secretaries to the Board of Revenue, and Board of Trade, or the head native officers of the collectors of the land revenue, and of the customs, of the commercial residents and agents, or of the agents for the provision of salt and opium, shall be desirous of resigning their offices, the above-mentioned authorities are hereby required to receive and record such resignations in open court, or in their public *cutcherrees*, and to transmit the same through the channel prescribed for conducting the public correspondence to the Governor General in Council for his information and orders.

Rule of proceeding to be observed when there may appear to be cause for the removal of any head native officer.

VI. Whenever the authorities specified in the preceding sections may see cause for the removal of any of their head native officers on the ground of misconduct, incapacity, or otherwise; they shall communicate to such officer the grounds upon which they may consider him underserving of continuance in his station, and call upon him to state what he may have to offer in his defence. If his answer appear unsatisfactory, and they shall consequently be of opinion that he ought to be removed, a report of the circumstances of the case, with a copy and translation of the communication made to the officer, and his answer, shall be transmitted, through the prescribed channel of public correspondence, to the Governor General in Council, who will pass such order thereupon as he may judge proper. In the event of any proceedings or documents being referred to in the reports made in such cases, a copy and translation of such parts thereof as may be material, and appear necessary for the full information of the Governor General in Council, shall also be transmitted with the reports required. In cases however in which the head native officer of any of the authorities noticed in Section 4, may have been guilty of gross misconduct, such as to require his immediate suspension from the exercise of the functions of his station, the officer, under whose authority he may be employed, is empowered to suspend him; and, if requisite for the public business, to nominate another person, duly qualified, to act in his place, until the orders of the Governor General in Council can be obtained upon the case.

Report to be made to Government, in the event of vacancies through death or otherwise.

VII. A report shall likewise be made to the Governor General in Council without loss of time, through the channel above prescribed, whenever an actual vacancy shall occur in the situation of head native officer to any of the authorities mentioned in Section 4. of this regulation, from death or any other cause.

VIII.

VIII. Whenever the courts of Sudder Dewanny Adawlut and Nizamut Adawlut, or the Boards of Revenue and Trade, (through whom all correspondence on this subject is in future to be conducted,) shall receive any reports from the provincial, city, or *zillah* courts, or from the collectors of the land revenue; or from the commercial residents, or agents, or the collectors of customs, or agents for the provision of salt and opium, enclosing the resignations of their principal native officers, the Sudder Dewanny Adawlut, and the Boards of Revenue and Trade, shall forward the said resignations to the Governor General in Council, with their opinion, whether any objections occur to accepting the resignations in question. In like manner, whenever the courts of Sudder Dewanny Adawlut and Nizamut Adawlut, and the Boards of Revenue and Trade, shall receive any report from the authorities subject to the control of those courts, and Boards respectively, regarding the misconduct or incapacity of their head native officers; the Sudder Dewanny Adawlut and Nizamut Adawlut, and the Boards of Revenue and Trade, shall forward such reports to the Governor General in Council, (after calling for such further information as they may deem necessary,) and shall state their opinion, whether there appear to be sufficient grounds for the dismission of the officers proposed to be removed. On the same principle, those authorities are to forward to the Governor General in Council any reports which they may have received of vacancies among any of the head native officers from the death of such officers, or from any other cause.

Courts of Sudder Dewanny Adawlut and Nizamut Adawlut, and Boards of Revenue and Trade, to state their opinions on the propriety of accepting resignations, or of proposed dismissions of head native officers.

IX. When the head native officer of any of the authorities specified in Section 4, may be removed from his station by order of the Governor General in Council, and also whenever a vacancy may occur from death, resignation, or otherwise, in the station of head native officer to any of those authorities, the court of Sudder Dewanny Adawlut or Nizamut Adawlut, the provincial court of appeal or circuit, the *zillah* or city judge or magistrate, the Board of Revenue, or collector, the Board of Trade, commercial resident, or agents, the agent for the provision of salt or opium, or the collector of customs, in whose immediate department such removal or vacancy may occur, shall nominate, through the proper channel, for the approbation of the Governor General in Council, a person duly qualified to succeed to the station so vacated; and shall at the same time, report fully any information obtained of the past employments, character, and qualifications of the proposed successor. The courts of Sudder Dewanny Adawlut and Nizamut Adawlut, and the Boards of Revenue and Trade, in submitting any such reports from the officers in their respective departments to the Governor General in Council, shall add whether they are aware of any objections to the proposed appointment; and the Governor General in Council, on the receipt of such reports, or after calling for any further information that may appear necessary, will either confirm the person nominated to fill the vacant office, or will direct that a further nomination be made for his approval.

Rule to be observed in the nomination and appointment of persons to fill vacancies in the station of a head native officer under any of the authorities specified.

X. The rules contained in the five preceding sections shall be held applicable to the law officers of the several courts of justice; to the *cauzy ul cuzaat*, and *cauzies* of the towns, cities, and *pergunnahs*; to the keepers of the records of the courts of judicature, and of the collectorships; to the police *darogahs*; and to the *tehsildars*, who are vested with the charge of the police in the province of Benares, and the provinces ceded by the Nawaub Vizier; in addition to the rules now in force for the appointment or removal of those officers respectively; or in amendment thereof, as far as the former rules are different from the provisions contained in the preceding sections of this regulation: but the *tehsildars* in the provinces above mentioned being responsibly employed in the collection of the public revenue, they shall not be liable to suspension under Section 6, except by order of the Governor General in Council, or Board of Revenue, or the collectors; and the nomination of persons to fill vacancies in the office of *tehsildar*, in the above provinces under Section 9, shall be made to Government by the collectors, through the Board of Revenue.

The rules contained in the five preceding sections declared applicable to the law officers, the *cauzies*, the record keepers, and the principal police officers, in addition to, and in amendment of, the rules now in force for their appointment and removal.

Provision respecting suspension and nomination of *tehsildars*, in charge of the police, in Benares and the ceded provinces.

XI. The Governor General in Council also reserves to himself the power of ordering Sections 5, 6, 7, 8, and 9, of this regulation, to be applied to any other native officers in the judicial, revenue, or commercial departments, or in the departments of salt, opium, and customs; for whose appointment and removal he may, at any time, judge it proper to require the express sanction of the Government. In the mean time, the rules contained in the following sections

Power reserved to the Governor General in Council of extending Sections 5, 6, 7, 8, and 9, of this regulation to any other native officers in the departments specified, for whose removal and

appointment he may judge the sanction of Government necessary; in the mean time the following rules to be observed.

sections are to be considered applicable to all native officers, whose appointment and removal may not have been specially reserved to the Governor General in Council.

Nazirs of the courts of judicature allowed to appoint certain public servants employed under them, and to fill up vacancies subject to the approbation of the judges and magistrates, and to the responsibility prescribed by Section 2, Regulation XIII. 1793, and Section 2, Regulation XII. 1803. They may also remove such servants on stating sufficient cause to the satisfaction of the judge or magistrate; but not without his previous knowledge and sanction.

Police *darogahs* and other police officers also empowered to nominate and remove similar public servants subordinate to them under the same restrictions.

XII. The *nazirs* of the several courts of judicature, civil and criminal, shall be allowed, as heretofore, to appoint their own *naibs*, and the *mirdahs* and *peons*, or any similar descriptions of public servants employed under their immediate direction and control: and to fill up all vacancies, which from time to time may occur in such appointments, subject to the approbation of the judges and magistrates superintending the courts to which they are attached, and to the responsibility prescribed by Section 2, Regulation XIII. 1793, and Section 2, Regulation XII. 1803, for the good behaviour of the *naibs*, *mirdahs*, *peons*, and others appointed by them. They may also, as hitherto, remove the persons so appointed by them, provided they can state sufficient cause to the satisfaction of the judge and magistrate; but not without his previous knowledge and sanction. The police *darogahs*, and the *tehsildars* who are vested with the charge of the police, as well as the city *cutwals*, and other police officers acting immediately under the *zillah* and city magistrates, shall, in like manner, and under the same responsiblity, be allowed to nominate, for the approbation of the magistrate, their own *naibs*, *jemmadars*, and *burkundazes*, or any similar descriptions of public servants, composing part of their authorized police establishments, whenever vacancies may occur in such establishments, and to remove the persons acting under them upon such establishments, provided they can shew sufficient cause to the satisfaction of the magistrate; but not without obtaining his previous sanction.

The principle of the foregoing section applicable to the same descriptions of public servants in the revenue and commercial departments; also to any other similar establishments in the judicial department.

XIII. The principle of the foregoing section shall be equally applicable to the *naib nazirs*, the *mirdahs*, *peons*, *jemmadars*, and *burkundazes*, or any similar descriptions of public servants employed in the revenue and commercial departments, or in the departments of salt, opium, and customs; and shall be observed accordingly in the whole of the public offices which are now established or may be hereafter constituted, in these departments respectively. It shall also be applied to any establishments of the descriptions specified, which may at any time be allowed by Government to the native commissioners now appointed, or who may be hereafter appointed in the judicial department, and generally to all similar establishments in that department.

Rule for the appointment and removal of other inferior native officers, whose salaries shall not amount to ten rupees per mensem.

XIV. Any other inferior native officers forming part of the fixed establishments of the *zillah* and city courts, civil or criminal; or of any officers acting under the authority of the *zillah* and city judges and magistrates; of the provincial courts of appeal and circuit, or of any other court or office in the judicial department; or forming part of the fixed establishments of the collectors of the revenue; of any officers acting under the authority of the collectors of the revenue, or of any other office in the revenue department; or forming part of the fixed establishments of the commercial residents and agents the agents for the provision of salt and opium, or the collectors of the customs; and of any officers acting under the authority of these officers, or of any other office, in the commercial department, or the departments of salt, opium, and customs, provided that the salary or other allowance of the several inferior officers herein referred to, shall not amount to the sum of ten rupees per mensem, may be appointed, whenever vacancies occur in the stations of such officers, and on proof of misconduct, or other sufficient cause, may be removed, without any reference to any superior authority by the public officer, on whose establishment they are entertained, or to whose immediate authority they are subject, viz. by the *zillah* and city judges and magistrates; the provincial courts of appeal and circuit; the register to the courts of Sudder Dewanny Adawlut and Nizamut Adawlut; and the superintendent, however denominated, of any other office in the judicial department; by the collectors of the revenue, the secretary to the Board of Revenue, and any other heads of the office in the revenue department; by the commercial residents and agents, the agents for the provision of salt and opium, the collectors of customs, the secretary to the Board of Trade, and any other denominations of superintending officers in the commercial department. The whole of the officers herein described, however, are directed to record upon their proceedings the grounds, upon which any native officers may be removed by them, and are required to exercise the power vested in them, in the appointment and removal of the inferior officers acting under them respectively, with due regard to the public service, and the rights of individuals, by selecting proper persons to fill all vacancies in the situations of such officers; and by continuing in office the persons appointed, whether by

 themselves

themselves or their predecessors, whilst they discharge the duties assigned to them with diligence and integrity.

Rule for the appointment and removal of native officers whose salaries amount to ten rupees per mensem, or upwards; and whose appointment and removal have not been reserved to the Governor General in Council by the provisions of this regulation.

XV. The native officers, who are now, or may be hereafter, employed in the several courts of judicature, civil and criminal, or under any public officer subject to the authority of the courts of Sudder Dewanny Adawlut and Nizamut Adawlut; the native officers who are now or may be hereafter employed under the collectors of the revenue, the secretary to the Board of Revenue, or any public officer subject to the authority of the Board of Revenue; and the native officers, who are now, or may be hereafter employed, under the commercial residents and agents; the agents for the provision of salt and opium; the collectors of the customs; the secretary to the Board of Trade; or any public officer subject to the authority of the Board of Trade, for whose appointment and removal no provision has been made by the preceding sections of this regulation, viz. all native officers, so employed, whose salary or other allowance may amount to ten rupees per mensem, or upwards, and whose appointment and removal may not have been reserved to the Governor General in Council, shall not be removed from their respective offices without the sanction of the court of Sudder Dewanny Adawlut, or Nizamut Adawlut; or the Board of Revenue, or Trade; according to the department in which such officers may be employed.

Rule to be observed in cases of actual vacancies among the native officers, or when such officers shall be desirous of resigning their employments, or shall be deemed disqualified for their offices.

XVI. Whenever an actual vacancy shall occur among the native officers attached to any of the authorities specified in the preceding section from death or from any other cause, such vacancy shall be immediately reported to the court of Sudder Dewanny Adawlut, or Nizamut Adawlut, or to the Board of Revenue, or Board of Trade, according to the department in which the vacancy may occur. The necessary report is likewise to be furnished regarding any such officers, who may be desirous of resigning their employments; which resignations are uniformly to be taken in the manner prescribed in Section 5. of this regulation. In like manner, whenever the authorities specified in the preceding section may see cause for the removal of any of the native officers therein referred to, they shall communicate to such officer the grounds upon which they may consider him undeserving of continuation in his station, and call upon him to state what he may have to offer in his defence. If his answer appear unsatisfactory, and they shall consequently be of opinion that he ought to be removed, a report of the circumstances of the case, with a copy of the communication made to the officer, and his answer, shall be transmitted (according to the department in which he may be employed) to the court of Sudder Dewanny Adawlut, or Nizamut Adawlut, or to the Board of Revenue, or Board of Trade, who will pass such order thereupon as they may judge proper. In the event of any proceedings or documents being referred to in the reports made in such cases, a copy of such parts thereof as may be material, and appear necessary for the full information of the court of Sudder Dewanny Adawlut, or Nizamut Adawlut, or the Board of Revenue or Trade, shall also be transmitted with the reports required.

Cases in which native officers may be suspended immediately, and a person appointed to perform the duty.

Such suspensions and nominations to be reported.

XVII. In cases wherein any of the native officers described in Section 15, may have been guilty of gross misconduct, such as to require his immediate suspension from the exercise of the functions of his station, the officer under whose authority he may be employed is empowered to suspend him; and if requisite for the public business, to nominate another person duly qualified to act in his place, until the orders of the superior court or Board can be obtained upon the case. But such suspensions and nominations are to be reported, with the least possible delay, for the information and orders of the Sudder Dewanny Adawlut, or Nizamut Adawlut, or the Board of Revenue or Trade, according to the proper department.

Rule to be observed in the nomination and appointment of persons to fill vacancies in the stations of native officers described in Section 15.

XVIII. Whenever an actual vacancy shall occur in the station of any of the native officers described in Section 15. of this regulation, from death or other cause, and whenever any vacancy shall occur by the resignation or removal of any such officer, under the sanction or orders of the Sudder Dewanny Adawlut and Nizamut Adawlut, or of the Board of Revenue, or Board of Trade, the authorities before specified, in whose immediate department such removal or vacancy may occur, shall nominate for the approbation of the Sudder Dewanny Adawlut, or Nizamut Adawlut, or the Board of Revenue, or Trade, a person duly qualified to succeed to the station so vacated; and shall at the same time, report fully any information obtained of the past employments, character, and qualifications of the proposed successor. The courts of Sudder Dewanny Adawlut and Nizamut Adawlut, and the Boards of

of Revenue and Trade, on the receipt of such reports, or after calling for any further information that may appear necessary, are authorized to confirm the person nominated to fill the vacant office, or to direct that a further nomination be made for their approval.

The rules contained in the four preceding sections declared applicable to the native commissioners and *khazanchies* of the collectors; in addition to and in amendment of the rules now in force for their appointment and removal; also meant to include the *tehsildars* of the revenue in Bengal, Behar, and Orissa.

An order of Government sufficient to extend the provisions of this regulation to other offices not particularly described therein.

XIX. The rules contained in the preceding sections shall be held applicable to the native commissioners for the trial of civil causes, and to the *khazanchies* or native cash-keepers of the collectors, in addition to the rules now in force for the appointment and removal of those officers, or in amendment thereof, as far as the former rules are different from those now enacted. The provisions in those sections are also meant to include the *tehsildars* employed for the collection of the public revenue, in the provinces of Bengal, Behar, and Orissa; who are accordingly to be nominated by the collectors, and approved by the Board of Revenue. It is hereby further declared, that an order of Government shall be sufficient, without a new regulation, to extend the provisions of this regulation to any offices now subsisting, or which may be hereafter instituted, in the judicial, revenue, or commercial departments, or in the departments of salt, opium, and customs, though not within the exact denomination of the offices described in this regulation.

Public officers herein specified, to submit statements of present authorized establishments, and to nominate persons to fill any vacancies.

Statements to be forwarded to civil auditor; and reports to be made by that officer.

XX. On receipt of this regulation, the several authorities referred to in it, who are respectively subordinate to the courts of Sudder Dewanny Adawlut, and Nizamut Adawlut, or to the Boards of Revenue and Trade, shall transmit to those courts, and Boards, a complete statement of their establishments as now authorized by Government; and of the establishments of all officers acting under them who are paid by Government; specifying the number, and fixed allowances of the native officers actually employed, and the names of those whose salaries or other allowances amount to ten rupees per mensem; with the dates of their appointments. In the event of the stations of any officers of this description being now vacant, and of its being requisite for the public business to fill such vacancies, they shall, at the same time, nominate proper persons for this purpose, in conformity with Sections 9. and 18. of this regulation. The statements so transmitted shall be forwarded, as received, to the civil auditor; who shall compare them with the authorized establishments, and report any deviations, through the proper channel, for the orders of the Governor General in Council; after obtaining which, the names of the officers actually employed, and receiving the allowance specified, shall be entered in the book of civil establishments.

Future removals and appointments to be communicated to the civil auditor by the register to the Sudder Dewanny Adawlut, and Nizamut Adawlut, and by the secretaries to the Boards of Revenue and Trade.

XXI. Any future removals and appointments of the native officers described in this regulation, and receiving an allowance of ten rupees per mensem, or upwards, which may be sanctioned by the Governor General in Council, or by the courts of Sudder Dewanny Adawlut and Nizamut Adawlut, or the Boards of Revenue and Trade, shall also be communicated to the civil auditor by the register to the courts of Sudder Dewanny Adawlut and Nizamut Adawlut, and by the secretaries to the Boards of Revenue and Trade, for the purpose of making the requisite alteration in the book of civil establishments.

The authorities specified in this regulation to insert in all detailed statements of establishments required with their accounts, the names of all native officers receiving a salary of ten rupees or upwards.

XXII. The several authorities and officers referred to in this regulation, who may hereafter have accounts to render to the accountant general, or to the accountants in the judicial, revenue, and commercial departments, or to the civil auditor, which, by the rules and orders now in force, or by such as may be passed in future, are, or may be, required to be accompanied with detailed statements of the establishments of native officers, shall uniformly insert, in such statements, the names of the native officers actually employed, and receiving an allowance of ten rupees per mensem, or upwards; as sanctioned by the Governor General in Council, or by the Sudder Dewanny Adawlut, and Nizamut Adawlut, or by the Boards of Revenue, or Trade, under the provisions contained in this regulation.

Officers of Government specified, prohibited from making any alteration in the fixed distribution of the salaries of native officers, or in their number and designation, without the sanction of Government.

XXIII. The several officers of Government in the judicial, revenue, and commercial departments, and in the departments of salt, opium, and customs, who are already restricted by their official oaths, or by the known declarations and orders of Government, from deriving any personal advantage whatever from their fixed establishments of native officers, are further hereby positively prohibited from making any alteration whatever in the distribution of the salaries of such officers, or in the number and designation of the several descriptions of native officers which now compose, or may hereafter compose, their authorized establishments, without the express sanction of the Governor General in Council.

XXIV. Nothing in this regulation shall be construed to establish a claim of inheritance to any public office whatever; or to prevent the abolition of any such office, by order of the Governor General in Council, whenever he may judge it unnecessary to continue the same for the public service.

Public offices referred to, declared not to be hereditary; and may at any time be abolished by Government.

XXV. By Section 3, Regulation II. 1793, it is enacted, that the collectors of the public revenue, previously to entering upon the execution of the duties of their offices, shall take the oath prescribed by act of Parliament for servants of the Company employed in the management or collection of the revenue, before one of the judges of the Supreme Court of Judicature. But it has in many cases been found inconvenient to bring the persons so employed, from their stations to the presidency, for the purpose of taking the oath prescribed by the statute 33 Geo. III. Cap. 52, before one of the judges of the Supreme Court; and by the provision made in the said statute, such oath may be administered by any person deputed or authorized for this purpose by an order of the Governor General in Council. It is therefore hereby declared, in modification of Section 3, Regulation II. 1793, that whenever it may be requisite to administer to any person employed in the management or collection of the revenue, the oath prescribed by the sixty-first section of the statute aforesaid; the Governor General in Council will determine and direct, whether the same shall be taken before one of the judges of the Supreme Court of Judicature at Calcutta, or before such other person as may be authorized by an order of Government for this purpose. It shall however be observed, as an invariable rule, whenever the oath in question may be taken before any other person than one of the judges of the Supreme Court, to transmit the same, duly subscribed, and attested, to the register to the Sudder Dewanny Adawlut, for the purpose of being recorded in that court.

Inconvenience experienced from bringing to the presidency, all persons concerned in the collection of the revenues for the purpose of taking the oath prescribed by the statute 33 Geo. III. Cap. 52.

Governor General in Council will in future determine whether the oath shall be taken before a judge of the Supreme Court, or before such other person as may be authorized.

Rule to be observed when the oath may not be taken before one of the judges of the Supreme Court.

XXVI. The following is the form of the oath which is to be taken by the persons employed in the collection of the public revenue.

Form of oath.

"I ———, do promise and swear, that I will, to the utmost of my endeavours, well and faithfully execute and discharge the duties of an officer of revenue, reposed in and committed to me by the United Company of Merchants of England trading to the East Indies; and that I will not demand, take, or accept, directly or indirectly, by myself, or by any other person, for my use or on my behalf, of or from any *rajah*, *zemindar*, *talookdar*, *polygar*, farmer, renter, or *ryot*, or from any person, paying or liable to pay any tribute, rent or tax, to or for the use of the said United Company, any sum of money, or other valuable thing, by way of gift, present, or otherwise, over and above, or besides and except, the actual tribute, rent, or tax authorized to be taken by and for the use of the said United Company; and that I will justly and truly account for, answer, and pay all the rents, duties, and other revenues, and sums of money, which shall come to my hands, or to the hands of any person or persons in trust for or employed by me as an officer of the revenues of the said Company, unto the said United Company. So HELP ME GOD."

A. D. 1805. REGULATION VIII.

A REGULATION *for extending to the conquered Provinces, situated within the Dooab and on the right Bank of the River Jumna, and to the Territory ceded to the Honorable the English East India Company in Bundlecund by the Peishwah, such of the Laws and Regulations established for the internal Government of the Provinces ceded by the Nawaub Vizier to the Honorable the English East India Company, as have not been already extended to those Territories; and for revising and amending certain Parts of the said Laws and Regulations.*—PASSED *by the Governor General in Council, on the* 11*th of July* 1805; *corresponding with the* 29*th Assaar* 1212 *Bengal era; the* 29*th Assaar* 1212 *Fussily; the* 29*th Assaar* 1212 *Willaity; the* 15*th Assaar* 1862 *Sumbut; and the* 13*th Rubbee-us-Sany* 1220 *Higeree.*

Preamble.

WHEREAS certain territories in the Dooab, or country situated between the rivers Ganges and Jumna, and on the right bank of the river Jumna, conquered by the British arms, have been ceded to the Honorable the English East India Company, in full sovereignty, by a treaty concluded with Dowlut Rao Scindiah, bearing date the 30th day of December 1803: And whereas certain territories, forming part of the province of Bundlecund, and situated on the right bank of the river Jumna, have been also ceded to the Honorable the English East India Company, in full sovereignty, by the Peishwah, under an article of a treaty concluded with his Highness, bearing date the 16th day of December 1803: And whereas, in addition to the provisions contained in Regulation IX. 1804, for the administration of justice in criminal cases, in the territories aforesaid, it has been deemed to be expedient, that the remaining laws and regulations, which have been established for the internal government of the provinces ceded by the Nawaub Vizier to the Honorable the English East India Company, should be extended to the said territories, with certain modifications, additions, and amendments; the following rules have been accordingly enacted.

Regulation I. 1803, extended to the conquered provinces, and to the territories in Bundlecund.

II. Regulation I. 1803, is hereby extended to the conquered provinces situated within the Dooab and on the right bank of the river Jumna, (with the exception of the city of Delhi and the territory situated on the right bank of the river Jumna, the revenues of which are assigned to his majesty Shah Alum,) and to the territories ceded to the Honorable the English East India Company in Bundlecund by the Peishwah.

The provinces and territories aforesaid to be formed into five *zillahs*.

How to be denominated.

III. *First.* The provinces and territories specified in the foregoing section, shall be formed into five *zillahs*, to be denominated as follows:

The *zillah* of Allyghur.
The northern division of the *zillah* of Saharunpore.
The southern division of the *zillah* of Saharunpore.
The *zillah* of Agra.
The *zillah* of Bundlecund.

 Second.

Competent for the Governor General in Council, by an order in Council, to alter the limits of *zillahs*, or to form new *zillahs*.

Second. It shall be competent for the Governor General in Council, by an order in Council, to make any alterations in the limits of the *zillahs* specified in the preceding clause, or to make any annexations to the said *zillahs*, or separations from them, which shall hereafter appear to him to be advisable, or to form any part of the territories aforesaid into additional *zillahs*.

The laws and regulations of the British Government not to extend to the city of Delhi, or to the territories, the revenues of which are assigned to His Majesty Shah Alum.

IV. The city of Delhi, and the conquered territory situated on the right bank of the river Jumna, the revenues of which are assigned to His Majesty Shah Alum, are hereby declared not to be subject to any of the laws or regulations of the British Government, printed and published in the manner prescribed in Regulation I. 1803.

Courts of *adawlut* to be established in the several *zillahs* specified in Section 3, for the trial of civil suits. How to be denominated.

V. Courts of *adawlut* shall be established in the several *zillahs* specified in Section 3, for the trial of civil suits in the first instance, to be denominated after the *zillahs* in which they are respectively established.

Regulation II. 1803, extended to the *zillahs* specified in Section 3, with certain exceptions and modifications hereafter specified. The modifications prescribed in clauses third and fourth also to be in force in the ceded provinces. Certain sections of Regulation II. 1805, also extended to the *zillahs* aforesaid.

VI. *First.* Regulation II. 1803, is hereby extended to the *zillahs* specified in Section 3, with the exception mentioned in the following clause, and with the modifications prescribed by clauses third and fourth of this section; which modifications shall be also in force in the ceded provinces. The provisions contained in Sections 2, 3, 6, 7, 8, and 9, Regulation II. 1805, are also hereby extended to the *zillahs* specified in Section 3. of this regulation.

What dates to be substituted in lieu of the date prescribed by Section 18, Regulation II. 1803.

Second. In lieu of the date prescribed by Section 18, Regulation II. 1803, the 30th of December 1803, in the provinces constituting the *zillah* of Allyghur, the northern and southern divisions of the *zillah* of Saharunpore, and the *zillah* of Agra; and the 16th of December 1803, in the territory constituting the *zillah* of Bundlecund; (being the dates on which the said provinces and territories were respectively ceded to the Honorable the English East India Company,) shall be considered the periods of limitation for taking cognizance of suits subject to the several provisions contained in Section 18, Regulation II. 1803, and in Sections 2. and 3, Regulation II. 1805.

Rules for determining the validity of bonds in the *zillah* courts.

The foregoing rules not to extend to bills of exchange, receipts, or notes of hand.

Third. The *zillah* courts are prohibited from decreeing the payment or satisfaction of any sum due on a *tummusook* or bond, which may be entered into after the promulgation of this regulation, unless the bond shall be proved to have been executed in the presence of two credible witnesses, or the payment of the sum demanded on the bond, or some other valuable consideration for it having been received, shall be proved to the satisfaction of the court. But the restriction contained in this clause shall not extend to any bills of exchange, receipts, or notes of hand; in the determination on which the custom of the country shall be abided by.

Section 21, Regulation II. 1803, rescinded.

An appeal to lie to the courts of appeal from the decree of the *zillah* courts in suits tried by such courts in the first instance.

Fourth. Section 21, Regulation II. 1803, is rescinded. And it is hereby declared, that, after the promulgation of this regulation, an appeal shall lie to the provincial courts of appeal, under the rules prescribed by Regulation IV. 1803, from the decisions of courts of *adawlut* of the several *zillahs* in the ceded and conquered provinces, in all suits or matters whatsoever, which shall be tried by the judges of those courts in the first instance; viz. without a previous trial and decision by their registers, or by any of the native commissioners appointed under Regulation XVI. 1803.

Limitation of appeal to the courts of appeal in suits decided by the zillah courts in appeal from the decision of the register, to be in force in the ceded and conquered provinces.

Fifth*. *In suits tried by the* zillah *register, in the first instance, and decided on appeal by the* zillah *judge, the limitation of appeals to the provincial court of appeal contained in the two following clauses, shall be considered in force from the receipt of this regulation in the several* zillah *courts in the ceded and conquered provinces.*

In what cases the decrees of the zillah judges upon appeals from the decisions of their registers shall be final.

Sixth. *If the suit be for personal property, or for any description of real property not being* malguzaree *or* lakheraj *land, and the amount or value adjudged or disallowed by the decree of the judge shall not exceed one hundred sicca rupees; or, if the suit be for land, and the judgment be for or against a claim to* malguzaree *land, the annual produce of which (as defined in Section 3, Regulation III. 1803) may not exceed one hundred sicca rupees; or* lakheraj *land, the annual produce of which may not be above ten sicca rupees; or although the decree of the judge be for or againt claims to personal or real property*

* Clauses 5. to 7. have been rescinded by Section 2, Regulation XXIV. 1814.

 exceeding

exceeding the amount, value, or produce above specified, if the suit be within the limitation of causes referrible to the register, and the decree of the judge shall confirm the decision of the register, the determination of the judge shall be final; unless the provincial court of appeal shall deem it proper to admit a special appeal to that court, under the discretion given by Section 9. of this regulation.

Unless a special appeal be admitted by the provincial court under Section 9. of this regulation.

Seventh. *If the judge's decree reverse or alter the register's decision, and the amount or value adjudged or disallowed by the decree of the judge exceed one hundred sicca rupees; or, if the judgment so passed in opposition to, or variation from, that of the register, be for or against a claim to* malguzaree *land, the annual produce of which may exceed one hundred sicca rupees; or* lakheraj *land, the annual produce of which may be above ten sicca rupees; a further appeal shall lie to the provincial court of appeal, under the prescribed rules for appeals to that court.*

In what cases an appeal shall lie to the provincial courts from the decrees of the zillah judges, on appeals from the decisions of their registers.

Eighth. In suits tried, in the first instance, by any native commissioner, appointed under Regulation XVI. 1803, and decided on appeal by the *zillah* judge, the decision of the latter shall be final as heretofore; provided the cause were originally cognizable by a native commissioner, under the prescribed limitations; and subject to the discretion vested in the provincial court of appeal to admit an appeal in special cases.

Decisions of the *zillah* judges upon appeals from the decisions of the native commissioners, under the provisions prescribed.

VII. *First.* Regulation III. 1803, is hereby extended to the *zillahs* specified in Section 3, with the exception contained in the following clause; which exception shall also be in force in the ceded provinces.

Regulation III. 1803, extended to the *zillahs* specified in Section III. with the following exception, to be also in force in the ceded provinces.

Second. The limitation for appeals to the Sudder Dewanny Adawlut, in the cases of resistance of process provided for by Sections 23, 25, and 26, Regulation III. 1803, shall be any amount exceeding five thousand sicca rupees, as provided, in similar cases, by Sections 23, 25, and 26, Regulation IV. 1803.

The limitation of appeals to the Sudder Dewanny Adawlut, under Sections XXIII. XXV. and XXVI. Regulation III. 1803, to be an amount exceeding five thousand sicca rupees.

VIII. *First.* Regulation IV. 1803, is hereby extended to the *zillahs* specified in Section 3, together with the further provisions contained in Sections 11. and 12, Regulation II. 1805.

Regulation IV. 1803, extended to the *zillahs* specified in Section III. with the provisions contained in Sections 11. and 12, Regulation II. 1805.

Second. The jurisdiction of the provincial court of appeal, for the division of Bareilly, shall extend over the following *zillahs*; viz.

Extent of the jurisdiction of the Bareilly provincial court of appeal in the conquered provinces.

Allyghur.
Northern division of the *zillah* of Saharunpore.
Southern division of the *zillah* of Saharunpore.
Agra.

Third. The jurisdiction of the provincial court of appeal for the division of Benares, shall extend over the *zillah* of Bundlecund.

Jurisdiction of the Benares provincial court of appeal to extend over the *zillah* of Bundlecund.

Fourth. The court of Sudder Dewanny Adawlut, the provincial court of appeal for the division of Benares, the judge and magistrate, the collector of the revenue, and all other officers, in the *zillah* of Bundlecund, and the Boards of Revenue and Trade, shall be guided, in their decisions and proceedings, in all matters relating to the said *zillah*, by the regulations which have been, or shall be enacted, and printed and published in conformity to the rules prescribed by Regulation I. 1803, for the internal government of the ceded and conquered provinces.

All the public authorities to be guided in their decisions and proceedings, in all matters relating to *zillah* Bundlecund, by the regulation enacted for the ceded and conquered provinces.

IX. *First.* The rules prescribed by the five following clauses shall be in force in the ceded and conquered provinces.

The rules in the five following clauses to be in force in the ceded and conquered provinces.

Second. In all cases wherein a regular appeal may not lie to the provincial courts of appeal, from the decrees of the judges of the *zillah* courts, under this or any other regulation, it shall be competent to the provincial court to admit a special appeal, (on performance of the general conditions of appeals,) if, on the face of the decree of the *zillah* judge, or from any information before the provincial court, it shall appear to them erroneous or unjust; or if, from the nature of the cause, as stated in the decree, or otherwise, it shall appear to them of sufficient importance to merit a further investigation in appeal.

Discretionary power vested in the provincial courts of appeal to admit appeals from the decisions of the *zillah* courts, in cases wherein a regular appeal may not lie to those courts.

Third. The discretionary authority vested in the provincial courts by the above clause for the special purpose therein stated, is to be used by them with caution; and shall not be considered

Discretion vested in provincial courts by the

above clause to be used with caution. Not to entitle any party to demand an appeal, of right. Nor to preclude the judges of zillah courts from a revision of their own judgments, if deemed necessary, under Section 22, Regulation II. 1803; and the review be applied for before the admission of a special appeal by the provincial court. Petitions for a special appeal, under this section, to be presented to the provincial courts, with a copy of the decree appealed from, and the requisite institution fee and security.

considered to entitle any party to demand, of right, an appeal to the provincial court, in cases wherein the judgments of the *zillah* courts are provisionally made final; nor shall it preclude the judges of these courts from proceeding as authorized by Section 22, Regulation II. 1803, for a revision of their own judgments in such cases, if it appear to them necessary, and the review be applied for at any time before an appeal shall have been admitted by the provincial court of appeal. The petition for a review, in such cases, will of course be presented to the *zillah* judge, in conformity to Section 22, Regulation II. 1803; but any petitions for special appeal to a provincial court, under the preceding clause of this section, are to be presented to the provincial court of appeal, with a copy of the decree of the *zillah* court, and with the institution fee and security required in other cases of appeal.

Section 6. of this regulation, not to affect any appeals already preferred to the provincial courts; or which may be preferred to them before the promulgation of this regulation.

Fourth. The limitation of appeals to the provincial courts of appeal, from the decision of the *zillah* courts, fixed by Section 6. of this regulation, shall not be understood to affect any appeals already preferred to the provincial courts, or which may be preferred to them against decisions of the *zillah* judges, passed before the promulgation of this regulation, and appealable to the provincial court, under the rules now in force.

Nothing in this regulation to preclude an appeal to the provincial courts under Section 12, Regulation IV. 1803, when the appeal open to zillah courts from the decision of the registers and native commissioners, may be refused or dismissed on the ground of some default.

Fifth. Nothing contained in this regulation shall be considered to preclude an appeal to the provincial courts of appeal, under clause twelfth, Section 12, Regulation IV. 1803, in all cases wherein the appeal open to the judges of the *zillah* courts, from the decisions passed by their registers, or by any of the native commissioners, may be refused by the *zillah* courts, on any ground of delay, informality, or other default in preferring it; or, after admission, may be dismissed on the ground of some default, without investigation of the merits of the cause.

Additional provisions for such appeals, and for similar appeals to the Sudder Dewanny Adawlut, under Section 10, Regulation V. 1803.

Regular pleadings not requisite on such appeals, nor any other than summary proceedings.

No institution fee to be levied upon such appeals; but if found groundless and litigious, the appellant to be invariably fined. Respondents to receive notice of such appeals, but not to be required to attend upon them, unless it be found necessary. Shall however always have the option of attending the proceedings held on them. And if either party appoint a pleader, the court may award a sufficient compensation to him under Section 13, Regulation X. 1803. No security to be required from appellants or respondents in the appeals referred to in this clause, except for

Sixth. In addition to the provisions for such appeals, and for similar appeals to the court of Sudder Dewanny Adawlut, contained in the clause above mentioned, and in clause thirteenth, Section 10, Regulation V. 1803; as well as in modification of such parts of these clauses as require that the appeals therein mentioned be preferred in conformity to the rules prescribed with regard to other appeals; it is hereby further provided, that, as the appeal in such cases is not upon the merits of the cause, but merely on the default which is made the ground for rejecting or dismissing the previous appeal, and which must appear on the proceedings of the court by which such appeal may have been rejected or dismissed; it shall not be requisite to hold the regular pleadings upon such appeals; or to hold any other than summary proceedings thereupon; such as may appear sufficient, on consideration of the stated ground for rejecting or dismissing the previous appeal. No institution fee shall be levied upon such appeals; but if, on investigation, they are found groundless and litigious, the appellant shall be invariably punished by a fine proportionate to his condition and the circumstances of the case. The respondent, in such cases, shall receive notice of the appeal, but shall not be required to attend upon it, unless, in any particular instance, his attendance be found necessary. He shall, at all times, however, have the option of attending the proceedings held upon such appeals; and, if the appellant or respondent appoint a pleader, the court may award to him such fee as it shall consider a sufficient compensation for his labour, under the limitation and provisions contained in Section 13, Regulation X. 1803. No security shall be required from appellants or respondents in the appeals referred to in this clause, except for staying the execution of decrees, the security to be given for which shall be the same as is required in other appeals.

X. Regulation V. 1803, is hereby extended to the *zillahs* specified in Section 3; together with the further provisions contained in Section 10, Regulation II. 1805.

XI. The several rules contained in the two following sections shall be in force in the ceded and conquered provinces.*

XII. First. *When the number of civil causes depending before the judge of any* zillah *court may be such as to require the aid and appointment of an assistant judge, for the speedy investigation and decision of such causes, the Governor General in Council, at the recommendation of the court of Sudder Dewanny Adawlut, or otherwise, if it shall ap-*

* Sections 11 and 12, are rescinded by Section 2, Regulation XXIV. 1814.

pear

pear to him expedient, will appoint an assistant judge to the zillah wherein it may be requisite, to be denominated assistant judge of the adawlut of such zillah, who, previously to entering upon the execution of the duties of his office, shall take and subscribe before the Governor General in Council, or before any person whom he may commission to administer it, the same oath as is directed by Section 13, Regulation II. 1803, to be taken and subscribed by the judges of the zillah courts.

staying the execution of decrees.

Regulation V. 1803, extended to the zillahs specified in Section 3, with the provisions contained in Section 10, Regulation II. 1805.

The rules in the two following sections to be in force in the ceded and conquered provinces.

Provision for appointment of assistant judges, when requisite.

Oath to be taken by persons so appointed.

Second. *The assistant judges, so appointed, are empowered to try and decide, according to the regulations in force for the administration of civil justice, any causes depending before the judge of the zillah in which they may be appointed to officiate, which shall be referred to them by the judge; and the judges of the zillahs, wherein such assistant judges may be appointed, are empowered to refer to them, from time to time, during the continuance of such special appointments, any cause or causes depending in their respective courts; whether original suits, or appeals from the decisions of their registers, or of the native commissioners.*

Powers of assistant judges.

And authority to zillah judges for referring to them any depending causes.

Third. *The selection of the particular causes to be so referred to the assistant judges, and the number of causes to be referred to them at any one time, are left to the discretion of the zillah judge, on a general consideration of the business depending before himself and register, and the number of causes already under reference to the assistant judge. But he is to be guided, as far as circumstances may admit, by the rule contained in Section 10, Regulation III. 1803, which directs, with certain exceptions, that depending causes be brought on for trial according to the order in which they may be filed. This rule is also to be observed by the assistant judges in the trial of causes referred to them.*

What causes to be referred to the assistant judges, and what number at a time.

General rule to be observed in referring and trying such causes.

Fourth. *The assistant judges appointed, under this regulation, are to try the suits referred to them in open court, to be held in the court-house of the zillah adawlut, or in some convenient place adjacent thereto; and a sufficient number of authorized pleaders of the zillah court shall be directed to attend the court of the assistant judge; or, if necessary, an additional number shall be appointed, for this purpose, under the provisions contained in Regulation X. 1803. Any additional establishment of ministerial officers which may be required to attend the assistant judges, in performance of the duties prescribed by Regulation XII. 1803, will also be provided for by the Governor General in Council. But the Mahomedan and Hindoo law officers of the zillah courts are to expound the law, in all cases wherein it may be requisite, for the determination of causes referred to the assistant judges.*

Assistant judges to try causes in open court.

Court where to be held.

Authorized pleaders to attend the court.

And additional pleaders to be appointed, if necessary.

Governor General in Council will provide the requisite establishments of ministerial officers.

But law officers of the zillah courts to expound the law.

Fifth. *All process which it may be necessary to issue, in suits referred for trial to an assistant judge, shall be issued under the seal of the zillah court, and the signature of the assistant judge; and shall be executed by the officers of the zillah court, in like manner as all similar processes are issued in causes tried by the judge. The process signed by an assistant judge, in suits referred to him, shall be considered of the same force and validity as process signed by the judge; and any disobedience or resistance thereto, shall be equally liable to the penalties declared by the regulations, for disobedience or resistance to similar process issued by the judges of the zillah courts.*

Process in suits referred to assistant judges, by whom and in what manner to be issued.

Penalty for disobedience or resistance to such process.

Sixth. *In the trial of all causes referred to an assistant judge, he is to be guided by the same rules as are prescribed for the trial of the same causes before the judges of the zillah courts; and his decisions are to be held final, or appealable to the provincial court of appeal of the division, under the prescribed rules for appeal, according as the cause would or would not have been appealable to the provincial court, if it had been decided by the judge of the zillah court.*

Rules to be observed by assistant judges in the trial of all causes referred to them.

And in what cases their decisions to be held final, or appealable to the provincial courts of appeal.

Seventh. *In cases wherein an appeal may lie to the provincial court, from the decision of an assistant judge, as well as in all cases wherein a provincial court of appeal may have occasion to issue process with respect to causes decided by or depending before an assistant judge, such process shall be transmitted to the judge of the zillah; who shall forward the same to the assistant judge; or shall himself comply with the exigency of it, if the assistant judge be not at the time present; or his officers shall have been discontinued; or if, from any other cause, such process cannot be complied with by the assistant judge,*

Process of provincial courts respecting causes depending before, or decided by, assistant judges, how to be transmitted and executed.

Returns from assistant judges, and all communications from them to the provincial courts, or officers, how to be made.

judge. In like manner, all returns to the provincial court by an assistant judge, as well as all other communications by an assistant judge to a provincial court, or to any other court, authority, or office, shall be made through the judge of the zillah *wherein he is employed.*

In matters of practice and form not provided for by the regulations, assistant judges to be guided by instructions of the court of Sudder Dewanny Adawlut.

Eighth. *In all matters relating to practice and form not provided for by this or any other regulation, the assistant judges, who may be appointed under clause first of this section, shall be guided by such instructions as they shall receive, through the judges of the* zillah *courts to which they may be attached, from the court of Sudder Dewanny Adawlut.*

Sudder Dewanny Adawlut to report to the Governor General in Council, when of opinion that an assistant judge should be appointed in any zillah.

As well as when such appointment may appear no longer necessary.

Ninth. *The court of Sudder Dewanny Adawlut shall report to the Governor General in Council, whenever, from the number of causes depending before the judge of any* zillah *court, they may be of opinion, that an assistant judge should be appointed under this regulation; as well as when, from the decision of the causes in arrear, or for any other reason, such provisional appointment may appear to them no longer necessary.*

Provision for the temporary execution of the duties of judge and magistrate in any zillah wherein an assistant judge may have been appointed, during the absence or on removal of the judge and magistrate.

Or in any of the cases specified in Section 15, Regulation XII. 1803, when the assistant judge may be present, and senior in the Company's service to the register.

Tenth. *If the judge and magistrate of any* zillah, *wherein an assistant judge may have been appointed, shall be removed from his station, or shall obtain leave of absence from his station, during the continuance of the appointment of such assistant judge, the Governor General in Council will determine, under Section 23, Regulation II. 1803, whether to delegate the temporary execution of the duties of judge and magistrate, to the person holding the office of assistant judge, or to make other provision for the same as he may deem proper. But in case the offices of judge and magistrate of any* zillah, *where an assistant judge may have been appointed, shall become vacant by the death of the judge and magistrate, as well as in any of the cases specified in Section 15, Regulation XII. 1803, wherein the charge of the offices of judge and magistrate may temporarily devolve to the senior judicial officer upon the spot, the person holding the office of assistant judge, if present, and senior in the Company's service to the register, shall take the temporary charge of the offices of judge and magistrate; and shall be authorized to exercise such part of the powers of judge and magistrate as may be necessary for the purpose specified in the section above mentioned, and in Section 23, Regulation II. 1803: making, at the same time, the report thereby required to the Governor General in Council, for his special orders on the case.*

The provincial courts of appeal and *zillah* civil courts to be annually adjourned during the Dussarah and Mohurrum festivals, and for what periods.

XIII. The provincial courts of appeal, and *zillah* civil courts, shall be annually adjourned during the Hindoo festival, called Dussarah, which occurs in the month of Assin or Kartick, corresponding with the English month September or October; and also during the Mahomedan festival of the Mohurrum, which, depending on the lunar year, is not fixed to any particular month. The former adjournment (or Dussarah vacation) shall commence ten days before this festival, and continue for the period of one month of thirty days. The latter adjournment (or Mohurrum vacation) shall commence on the first day of the month of Mohurrum, and continue for fifteen days. Under this rule, when the time of the two festivals may coincide, the vacations also will of course be blended, and no separate adjournment will be necessary; except as far as the fixed period for the one may extend beyond that of the other; as when part of the Mohurrum vacation only may fall within the period fixed for the Dussarah vacation; or, on the other hand, when part of the latter only may fall within the period of the former.

Regulations VI. VII. VIII. XX. XXXV. and LIII. 1803, and Regulation III. 1804, already extended to the conquered provinces by Regulation IX. 1804. Regulation III. 1805, extended to the *zillahs* specified in Section 3. The following provisions to be in force in the ceded and conquered provinces.

XIV. *First.* Regulations VI. VII. VIII. XX. XXXV. and LIII. 1803, and Regulation III. 1804, have been already extended to the *zillahs* specified in Section 3, by Regulation IX. 1804, Regulation III. 1805, is also hereby declared to extend to the said *zillahs*: and the following further provisions are enacted, to be in force in the ceded and conquered provinces.

Second. The courts of circuit for the divisions of Bareilly and Benares being required, by Regulation VII. 1803. and Regulation II. 1804, to commence their half yearly circuits on the 1st of January and the 1st of July of each year; and, as these dates may occasionally fall within the period of the Mohurrum vacation authorized by Section 13; when this may occur, the commencement of such circuit shall be postponed, until the expiration of the fixed period for the vacation, or as long as the magistrates of the *zillahs*, where the first jail

jail delivery is to be held, may, on a reference from the court of circuit, state to be necessary on this account: but, after the actual commencement of the circuit, no jail delivery shall be postponed, on account of such vacation; nor shall the attendance of any person required before the court of circuit be dispensed with on account of the vacation.

Circuits to be postponed, when the dates for commencing them shall fall within the period of the Mohurrum vacation.

But no jail delivery to be postponed after the commencement of the circuit.

Third. The jail delivery of *zillah* Bareilly shall be held monthly, at the commencement of each English month, before the second or third judge of the court of circuit who may be present; or, if both the second and third judges should be present, before them alternately; such jail delivery, if there be only one judge present besides the senior judge, to be held on the days whereon the court of appeal may not sit. But, when the first of the month shall fall on Sunday, the court of monthly jail delivery, directed to be held in *zillah* Bareilly under this clause, shall not be opened until the Monday following; nor shall any of the courts of circuit sit on Sunday, on any occasion whatsoever.

Provision for holding a monthly jail delivery of *zillah* Bareilly.

Fourth. If, in any instance, neither the second or third judge shall be present at the *sudder* station, to hold the monthly jail delivery directed in the preceding clause; or, if the second or third judge who may be present, should, at any time, be prevented by indisposition, or other cause, from holding the prescribed jail delivery at the regular period, and the senior judge of the court of circuit shall be present, the court of Nizamut Adawlut, to whom an immediate report shall be made in all such cases, are empowered to authorize the senior judge to hold the jail delivery of *zillah* Bareilly for the current month, in such manner as may not impede his discharge of the duties which he is required to perform in the provincial court of appeal, during the absence of the other judges.

To be held by the senior judge of the court of circuit, (with the sanction of the Nizamut Adawlut) where neither of the other judges shall be present.

Fifth. Provision is made, by Section 23, Regulation VIII. 1803, for the punishment of guards, in charge of convicts who may have escaped, and, in certain cases, for committing or holding such guards to bail for trial before the court of circuit. This provision is extended to guards in charge of prisoners who may escape from their custody, whether before or after conviction; but shall not be considered applicable to military guards from the provincial battalions, (while such battalions shall continue subject to military law,) or from any regular corps of the army. Whenever it shall appear to a magistrate, that a guard furnished by a provincial battalion, or by any regular corps of the army, has been guilty of wilful neglect in guarding the prisoners under his charge, or in conniving at the escape, or the attempt to escape, of any prisoner, or of any other act of a criminal nature in the discharge of his duty, the magistrate shall cause the offender to be delivered over to the officer commanding the provincial battalion, or the detachment to which he may belong, with a charge in writing, that he may be tried, and punished, on conviction, by a court martial.

Provision for the trial and punishment of guards in charge of convicts, by martial law, in certain cases, when such guards shall be furnished by a provincial battalion, (subject to martial law), or by a regular corps of the army.

Sixth. The mode of proceeding against military guards, directed in the preceding clause, shall be observed, with respect to any other offence involving a breach of military duty, and properly cognizable by courts martial; but shall not be held applicable to any criminal charge against such guards or other *sepoys*, whether belonging to the provincial battalions or regular corps of the army, which may not involve a breach of military duty, and the cognizance of which may therefore appertain to the civil courts.

The foregoing rule not applicable to charges against such guards, which are cognizable in the civil courts.

Seventh. Section 31, Regulation VII. 1803, and such part of Section 6, Regulation XV. 1803, as provide rules for the judges of the provincial court of appeal, when a judge of that court shall be desirous of absenting himself from his station, are hereby rescinded. Whenever a judge of the provincial court of appeal and court of circuit, for the division of Bareilly, shall hereafter be desirous of quitting his station, on any account whatever, he shall apply to the Governor General in Council, in the same manner as the *zillah* judges and magistrates are required to make such applications by Section 23, Regulation II. 1803; and, excepting in cases of emergent indisposition, shall not leave his station, until such permission shall have been obtained. Previously, however, to leave of absence being granted, a reference shall be made from the Governor General in Council to the Sudder Dewanny Adawlut and Nizamut Adawlut, to ascertain the state of the public business depending before the court, and whether the leave of absence desired can be conveniently granted or otherwise.

Section 31, Regulation VII. 1803, and part of Section 6, Regulation XV. 1803, rescinded.

Judges of the provincial court of appeal and court of circuit at Bareilly to apply to the Governor General in Council, whenever they shall be desirous of quitting their stations.

Not to quit their stations without previous leave, except in cases of emergency.

Reference to be made to the Sudder Dewanny Adawlut and Nizamut Adawlut, before leave is granted.

Eighth. Provision is made, by clauses third, fourth, and fifth, Section 3, Regulation XXXV. 1803, for the punishment of landholders and farmers of land, in certain cases, by the

Explanation and extension of the provision contained in clauses third, fourth, and fifth, Section 3, Regulation XXXV. 1803.

the forfeiture of their estates or farms. It is hereby declared, in explanation of the provision contained in the clauses abovementioned, that the said provision shall be considered to extend to landholders or farmers of land who shall be convicted of having themselves been concerned, directly, or indirectly, in any theft or robbery committed within their respective estates or farms, or of having been aiding or abetting therein, or privy to the same. Such landholders and farmers shall be liable to be proceeded against in the manner prescribed by the aforesaid clauses, subject to the penalties prescribed therein.

Regulations IX. X. XI. XII. 1803, and Regulation V. 1804, together with Sections 13. and 14, Regulation II. 1805, extended to the *zillahs* specified in Section 3. The provisions in the following section, to be in force in the ceded and conquered provinces.

XV. Regulations IX. X. XI. XII. 1803, and Regulation V. 1804, together with the rules prescribed by Sections 13, and 14, Regulation II. 1805, are hereby extended to the *zillahs* specified in Section 3. The further provisions contained in the following section are enacted, to be in force in the ceded and conquered provinces.

Authority of the zillah *judges to refer causes to their registers for trial and decision in the first instance, extended to suits for personal property not exceeding five hundred sicca rupees; or for* mal-guzaree *land, the annual produce of which may not exceed five hundred sicca rupees; or for* lakheraj *land, not producing above fifty sicca rupees per annum; or for other real property, the computed value of which may not be above five hundred sicca rupees.*

XVI*. *First. In addition to the authority vested in the judges of the* zillah *courts by Section 6, Regulation XII.* 1803, *for referring to their registers suits for money, or other personal property, not exceeding in amount or value the sum of two hundred sicca rupees; or for* malguzaree *land, the annual produce of which may not be above two hundred sicca rupees; or for* lakheraj *land, the produce of which may not be more than twenty rupees; the judges of the above courts, whenever, on consideration of the number of causes under reference to their registers, and the number depending before themselves, it may appear to them conducive to the more speedy administration of justice, are hereby empowered to refer to their registers, for trial and decision in the first instance, any causes depending in their respective courts for money, or other personal property not exceeding in amount or value the sum of five hundred sicca rupees; or for* malguzaree *land, the annual produce of which may not exceed five hundred sicca rupees; or for* lakheraj *land, the produce of which may not be more than fifty sicca rupees per annum; or for any other description of real property, the computed value of which may not be above five hundred sicca rupees.*

Rules by which the registers are to be guided in the trial of all causes so referred to them.

Second. *In the trial of all causes referred to the registers of the* zillah *courts, under the preceding clause, they shall be guided by the rules prescribed in Regulation XII.* 1803, *and by the general rules for the trial of civil suits therein referred to.*

Part of Section 9, *Regulation XII.* 1803, *rescinded.*

Appeal to lie to the zillah *judges from all decisions passed by their registers, under prescribed rules for such appeals.*

Third. *Such part of Section* 9, *Regulation XII.* 1803, *as declares that the decisions of the registers to the* zillah *courts shall be final, in suits for money, or other personal property, not exceeding twenty-five sicca rupees, is hereby rescinded; and an appeal shall hereafter lie to the* zillah *judges from all decisions passed by their registers; provided the appeal be preferred in conformity to Section* 10, *Regulation XII.* 1803, *and the general rules for appeals in force.*

Section 19, *Regulation XII.* 1803, *rescinded.*

Provision respecting decisions passed under that regulation, previously to the present regulation.

Also respecting appeals from decisions of the native commissioners, which may be depending before the registers of the zillah *courts, on the receipt of this regulation.*

Fourth. *Section* 19, *Regulation XII.* 1803, *whereby the judges of the* zillah *courts were empowered to refer to their registers appeals from the decisions of the native commissioners appointed under Regulation XVI.* 1803, *provided the property in dispute should not exceed twenty-five sicca rupees, and the decrees of the registers thereon are declared final, is hereby rescinded. Decisions passed by the registers upon such appeals, previously to the receipt of this regulation, shall however remain in force, (subject to the discretionary revision of the judge authorized by Section* 9, *Regulation XII.* 1803;) *and all such appeals which may have been referred by the judges of the* zillah *courts to their registers, and shall be depending before the latter, on the receipt of this regulation, may, at the option of the judges, be left to the decision of their registers, subject to an appeal to themselves, under the preceding clause of this section: or the judges may recal from their register the reference of such depending appeal, and determine the same themselves; or direct a new trial, under the provisions contained in this regulation.*

Judges of zillah *courts authorized at all times, to recal any undecided suits referred to their registers; and to try the same themselves, or refer them to a native commissioner, if referrible to such, under the regulations.*

Fifth. *The judges of the* zillah *courts are also, at all times, authorized to recal from their registers any suits referred to them, under the present and former regulations, which may not have been decided by their registers; and which, for the more speedy administration of justice, or for any other reason, they may deem it proper to try and determine themselves in the first instance; or to refer for trial to a native commissioner, if the suit be referrible to such, under the regulations.*

* Rescinded by Section 2, Regulation XXIV. 1814.

XVII. *First.* Regulations XIII. XIV. XV. XVI. XVII. XVIII. XIX. XXI. XXII. XXIII. and XXIV. 1803, are hereby extended to the *zillahs* specified in Section 3. The following provisions are made, in addition thereto; to be in force in the ceded and conquered provinces.

Regulations XIII. to XIX. and XXI. to XXIV. 1803; extended to the *zillahs* specified in Section 3.

The following provisions to be in force in the ceded and conquered provinces.

Second*. *Section 21, Regulation III. 1803, requiring that all orders and process of the* zillah *courts be sealed with the seal of the court, and signed by the judge, it has been doubted, whether the judges can authorize their registers to sign the process of court for summoning witnesses to appear before the native commissioners, under the provisions contained in Regulation XVI. 1803; or to sign any judicial process, except in cases referred to the registers under Regulation XII. 1803. It is therefore explained, that the judges of the* zillah *courts, after signing the order for referring a cause to any native commissioner, as required by clause fourth, Section 6, Regulation XVI. 1803, may authorize and direct their registers to sign any other necessary process in causes so referred. They are also generally empowered to employ their registers and assistants in signing and issuing any process of court, which they may judge proper to be signed and issued by them; and to which the signature of the judge may not be specially required by any regulation.*

Judges of zillah *courts, after signing the order for referring a cause to a native commissioner, may authorize and direct their registers to sign any other necessary process in such causes.*

Also generally empowered to employ their registers and assistants in signing and issuing any process of court not specially required by any regulation, to be signed by the judge.

Third. *The judges of the* zillah *courts are further authorized to employ their registers and assistants, or any of their principal native officers, in taking down the depositions of witnesses whom they may not have time to examine* vivâ voce *themselves. Provided, that such depositions be taken in open court in the presence of the parties, or their authorized pleaders, whose attestations shall be subscribed to all depositions so taken in testimony of their having been present; and, if any dispute or question shall arise in the course of taking the evidence of a witness so examined, the judge shall immediately, or as soon as practicable, hear and inquire into the same, in the presence of the witness, and of the parties or their pleaders, and shall pass such order thereupon as may appear to him proper.*

Judges of zillah *courts further authorized to employ their registers and assistants, or any of their principal native officers, in taking the depositions of witnesses*

Provisions under which the depositions are to be so taken.

Fourth. *The judges of the* zillah *courts may likewise permit their registers to cause the depositions of witnesses, in causes referred to them, to be taken before their assistants, or any principal native officer, in the mode and under the restrictions specified in this section; whenever, from the number of causes depending before their registers, it may appear to them indispensibly necessary for the speedy determination of such causes. But this power shall not be exercised by any register, without the permission of the judge, communicated to him by a written precept; which shall, at all times, be revocable, when the judge may consider it no longer necessary to continue to his register the permission thereby granted.*

The judges may likewise permit their registers to cause the depositions of witnesses, in causes referred to them, to be taken before their assistants, or any principal native officer, in the mode, and under the restrictions specified in this section. Further restriction in such cases.

XVIII. *First.* The several Sections of Regulation XXV. 1803, from Section 1 to Section 28, inclusive, prescribing rules for the conduct of the Board of Revenue and the collectors, in the provinces ceded by the Nawaub Vizier to the Honorable the English East India Company, are hereby extended to the *zillahs* specified in Section 3, Regulation XXVI. 1803, and the whole of Regulation XXVII. 1803, excepting Section 53, are also extended to those *zillahs*. The local rules for the settlement of the land revenue in the *zillahs* specified in Section 3, as well as for declaring the proprietary rights of the landholders under the settlement to be made therein, are specified in Regulation IX. 1805.

From Section 1 to 28, Regulation XXV. 1803, extended to the *zillahs* specified in Section 3.

Regulation XXVI. 1803; and the whole of Regulation XXVII. 1803, excepting Section 53, also extended to the said *zillahs*. The rules for the settlement of the land revenue, and for declaring the proprietary rights of the landholders, will be specified in Regulation IX. 1805.

Second. By Section 51, Regulation XXVII. 1803, the collectors are empowered, in certain cases, to require the personal attendance of any landholder, or other native inhabitant, within their respective jurisdictions. But no penalty has been prescribed by the regulations for refusing to obey, or resisting, or avoiding compliance with, the requisition of any process issued under the section above mentioned. It is therefore hereby declared, that any person, being a landholder or farmer of land, so offending, will be liable to the penalties prescribed by Sections 22, 23, 24, 25, 26 and 27, Regulation XXVII. 1803, under the provisions therein specified. If the offender shall not be a landholder, or farmer of land, he will be liable to the penalty prescribed in Section 28. of the said regulation. The provision contained in this clause shall be in force in the ceded and conquered provinces.

Penalty for refusing to obey, or resisting, or avoiding compliance with, processes issued under Section 51, Regulation XXVI. 1803; to be in force in the ceded and conquered provinces.

* Rescinded by Section 2, Regulation XXIV. 1814.

No settlement in the ceded provinces to be considered final, until it has received the sanction of the Governor General in Council.

Third. Such part of clause first, Section 53, Regulation XXVII. 1803, as declares that no settlement shall be considered final in the ceded provinces, until it has received the sanction of the Board of Revenue, is rescinded. Instead of the foregoing rule, it is hereby provided, that no settlement shall be considered final in the ceded provinces, until it shall have received the final sanction of the Governor General in Council.

Regulation XXVIII. 1803 and the further provisions in Section 4, Regulation II. 1805, extended to the *zillahs* specified in Section 3.

XIX. Regulation XXVIII. 1803, and the further provisions contained in Section 4, Regulation II. 1805, are hereby extended to the *zillahs* specified in Section 3.

Regulations XXIX. and XXX. 1803, extended to the *zillahs* specified in Section 3, with the following additional provision.

XX. *First.* Regulations XXIX. and XXX. 1803, are hereby extended to the *zillahs* specified in Section 3, with the following additional provisions.

Period allowed for the delivery of *pottahs* in the *zillahs* specified in Section 3, instead of that fixed by Section 4, Regulation XXXVIII. 1803.

Second. Instead of the period fixed by Section 4, Regulation XXX. 1803, for the general delivery of *pottahs* in the ceded provinces, a period of three years, from the conclusion of a settlement with the several landholders and farmers in the *zillahs* specified in Section 3, shall be allowed to them for consolidating the rents of the *ryots*, and granting *pottahs* as required.

What periods to be substituted in lieu of that prescribed in Section 12, Regulation XXX. 1803.

Third. The periods specified in clause second, Section 6, of this regulation, shall be substituted in lieu of the period stated in Section 12, Regulation XXX. 1803, according as the same shall be applicable to the *zillahs* respectively.

Regulation XXXI. 1803, extended to the *zillahs* specified in Section 3. What dates to be substituted for those specified in that regulation.

XXI. Regulation XXXI. 1803, is hereby extended to the *zillahs* specified in Section 3; but, instead of the dates stated in that regulation, viz. the 10th November 1789, and the 1st January 1801, the following dates are substituted for the *zillahs* aforesaid; viz. the 1st January 1792, or 22d Poose 1199 Fussily, in lieu of the 10th November 1789; and the 1st January 1803, or 23d Poose 1210 Fussily, in lieu of the 1st January 1801.

Regulation XXXII. 1803, extended to the *zillahs* specified in Section 3, with the provision contained in Section 5, Regulation II. 1805.

XXII. Regulation XXXII. 1803, is hereby extended to the *zillahs* specified in Section 3; together with the further provision contained in Section 5, Regulation II. 1805.

Regulations XXXIII and XXXIV. 1803, extended to the *zillahs* specified in Section 3, with the following modification.

XXIII. *First.* Regulations XXXIII and XXXIV. 1803, are hereby extended to the *zillahs* specified in Section 3; with the following modification of the regulation last mentioned.

What dates to be substituted for that specified in Sections 2, 3, and 9, Regulation XXXIV. 1803, and for that specified in Sections 7, and 8. of the said regulation.

Second. The 30th of December 1803, shall be the date to be adopted in the *zillahs* of Allyghur, Agra, and the northern and southern division of the *zillah* of Saharunpore; and the 16th of December 1803, shall be the date to be adopted in the *zillah* of Bundlecund; in lieu of the date specified in Sections 2, 3, and 9, Regulation XXXIV. 1803. The 1st of January 1806, shall be adopted in the whole of the above *zillahs*, in lieu of the date specified in Sections 7 and 8. of the said regulation.

Regulation XXXVI. 1803, extended to the *zillahs* specified in Section 3, with the following modifications.

XXIV. *First.* Regulation XXXVI. 1803, is hereby extended to the *zillahs* specified in Section 3; with the following modifications.

Definition of *badshahee* grants.

Second. Under the definition of *badshahee* grants, contained in clause first, Section 2. of the regulation above mentioned; viz. all grants made by the supreme power for the time being; it is hereby declared, that the following description of grants shall be considered as *badshahee*. First, royal grants, properly so called. Secondly, grants made by Dowlut Rao Scindiah, or his predecessors in authority, in the conquered provinces in the Dooab, and on the right bank of the river Jumna. Thirdly, grants made by the Peishwa, or his predecessors, in the territory ceded to the Honorable the English East India Company in Bundlecund.

Grants made by any other authorities than those above stated, to be reported to the Governor General in Council, who will determine thereon.

Third. If any grants of the descriptions specified in Regulation XXXVI. 1803, shall have been made by other authorities than those stated in the preceding clause, a report of the same shall be made to the Governor General in Council, who reserves to himself the power of declaring, whether such grants shall be deemed *badshahee*, and valid, or otherwise.

Date to be substituted for that specified in Regulation XXXVI. 1803.

Fourth. The 1st day of January 1803, or 23d of Poose 1210 Fussily, is substituted for the 1st of January 1801, in the several sections of Regulation XXXVI. 1803, with respect to the *zillahs* to which that regulation is now extended.

Regulation XXXVII. 1803, extended to the *zillahs* specified in Section 3.

XXV. Regulation XXXVII. 1803, is hereby extended to the *zillahs* specified in Section 3.

XXVI.

*XXVI**. First. *Regulation XL.* 1803, *is hereby extended to the* zillahs *specified in Section* 3, *to be in force in the said* zillahs *from and after the commencement of the year* 1213 *Fussily; with the following further provisions, to be in force in the ceded and conquered provinces.*

Regulation XL. 1803, extended to the zillahs specified in Section 3, with the following further provisions, to be in force in the ceded and conquered provinces.

Second. *In addition to the security prescribed by Section* 21, *Regulation XL.* 1803, *the collector shall require, from all persons receiving licenses under that regulation, for the manufacture and sale of spirituous liquors, security* (fial zaminy) *for their good conduct, and a strict adherence to the terms of the license, in a sum not less than the amount of the tax payable by them for one month. The surety, in all practicable cases, shall be some reputable person, not being a vender of spirits; and must, at all events, possess ostensible means to the amount of his engagements: and the collector shall, as far as possible, prevent the venders from becoming security for each other.*

Security to be taken from dealers in spirituous liquors, in addition to that prescribed by Section 21, Regulation XL. 1803.

Third. *To determine the number of licenses to be issued in each year, for the manufacture and sale of spirituous liquors and intoxicating drugs, the collector shall apply to the magistrate of the* zillah, *for his opinion on the subject; and on receiving such opinion, the collector shall submit the same, with his report, to the Board of Revenue. The Board of Revenue are authorized, generally, to fix on the number of licenses to be issued in each* zillah; *but shall not exceed any limitation which the magistrate may consider to be necessary for the attainment of any object of police.*

Reference to be made to the magistrates respecting the number of licenses to be granted for the manufacture and sale of spirituous liquors and intoxicating drugs.

The number of licenses granted not to exceed that determined by the magistrates.

Fourth. *The places of manufacture and vend shall be determined in the same manner as is prescribed in the preceding clause for fixing the number of licenses; and the magistrate shall, at all times, be at liberty to alter the places which may have been originally determined on, should he deem such alteration necessary, either for the purpose of placing the venders more immediately under the inspection and control of the officers of police, or otherwise.*

Rule for determining the places of manufacture and vend.

Discretion vested in the magistrates in such cases.

XXVII. *First.* Regulations XLI. XLII. and XLIII. 1803, are hereby extended to the *zillahs* specified in Section 3; with the following provision, in addition to the regulation last mentioned; to be in force in the ceded and conquered provinces.

Regulations XLI. XLII. and XLIII. 1803, extended to the *zillahs* specified in Section 3; with the following provision, to be in force in the ceded and conquered provinces.

Second. No institution fee shall be levied on suits instituted in the *zillah* courts, under Regulation XXXII. 1803; nor on any suits whatever in which the *zillah* courts, or the provincial courts of appeal, or the Sudder Dewanny Adawlut, may be empowered, by the regulations, to pass judgment on a summary process.

No institution fee to be levied on suits determined on a summary process.

XXVIII. Regulations XLIV. and XLV. 1803, are hereby extended to the *zillahs* specified in Section 3; and the periods prescribed for the operation of the latter regulation, in the ceded provinces, shall be likewise in force in the said *zillahs*.

Regulations XLIV. and XLV. 1803, extended to the *zillahs* specified in Section 3.

XXIX. *First.* Regulations XLVI. XLVII. and LII. 1803, are hereby extended to the *zillahs*, specified in Section 3; with the following provisions, in addition to the regulation last mentioned, to be in force in the ceded and conquered provinces.

Regulations XLVI. XLVII. and LII. 1803; extended to the *zillahs* specified in Section 3; with further provisions, to be in force in the ceded and conquered provinces.

Second. In cases in which it shall appear to the court of wards, that the produce of the estate of a disqualified proprietor is insufficient to provide for the expense of a separate establishment for the management of it, in conformity to Regulation LII. 1803, the court are empowered to take such measures as, from the circumstances of the case, may appear to them to be best calculated for providing for the security of the public revenue, and the maintenance of the proprietors of the lands.

Court of wards how to act when the produce of the estate of a disqualified landholder, shall be insufficient to provide for a separate establishment for the management of it.

Third. The court of wards are empowered to invest female proprietors of land with the management of their own estates, in cases in which the court may be fully satisfied, that they are competent to the charge, from their capacity and habits of business. The court are immediately to report to the Governor General in Council every instance in which they may exercise the powers vested in them by this section, with the grounds on which they may deem the proprietors qualified for the management of their lands.

Court empowered to invest female proprietors with the management of their lands, when deemed qualified for the charge.

Fourth. Female proprietors who may be exempted from the operation of the regulations, regarding disqualified landholders, in virtue of the rule contained in the preceding section,

Female proprietors invested with the manage-

* Rescinded by Section 2, Regulation X. 1813.

ment of their own estates, to execute the same engagements as other proprietors not disqualified.

section, are to execute the same engagements as other proprietors who are held qualified for the management of their lands.

Manager's accounts of estates situated in different *zillahs* to be rendered to one collector.

Fifth. Where portions of the same estate, belonging to a disqualified landholder, may be situated in different *zillahs*, the court of wards are empowered to authorize the monthly and annual accounts of the whole estate, required to be furnished by the manager, to be rendered to the collector of the *zillah* in which the principal portion of the estate may be situated, instead of delivering separate accounts for each portion to the collector of the *zillah* in which it may be included.

Cases in which the court of wards are empowered to commit several estates to the charge of one manager.

Sixth. In cases in which, from the contiguity of a number of small estates belonging to disqualified proprietors, two or more of them can be conveniently superintended by one manager, the courts are empowered to entrust as many of the estates to the management of the same person, as may appear to them advisable.

When a guardian may be a party jointly with his ward in any civil suit, security not to be demanded from him.

Seventh. In cases in which a guardian may be a party jointly with his ward, under clause first, Section 36, Regulation LII. 1803, in any civil suit, the securities required by the regulations to be taken, from parties in suits, shall not be demanded from the guardians.

Zillah judges authorized, under certain circumstances, to nominate guardians to disqualified landholders not subject to the authority of the court of wards.

Eighth. In all cases of joint undivided estates, when one or more of the proprietors shall die, leaving heirs who are under age, lunatics, or idiots, and without nominating, by will, a guardian or guardians to the heirs, it shall be the duty of the judge, within whose jurisdiction such estate may be situated, (or the principal part of it, in the event of its being situated in two or more jurisdictions,) on the receipt of a report from the collector, or from any other person or persons interested in the welfare of the family of the deceased, stating the grounds on which he or they may consider the next of kin as unfit to be entrusted with the care of the person, or management of the estate, of the heir, to investigate the nature of the objections to the nearest of kin; and, if satisfied himself that they are well founded, the judge shall nominate some other person of character and respectability to act as guardian to the heir; reporting the circumstance, in every instance, to the court of Sudder Dewanny Adawlut.

Rules for the selection of guardians.

Ninth. In the selection of guardians to be appointed, under this regulation, the judge shall attend particularly to their capacity, character, and responsibility; but the guardianship shall, in no instance, be entrusted to the legal heir of the ward, or other person interested in outliving him.

Compensation to the guardian for his trouble, when necessary, to be fixed by the judge.

Tenth. It is expected that some friends of the family of the deceased will gratuitously discharge the trust of guardian; but if, on any occasion, it may become necessary to make a pecuniary compensation to the person appointed to act as guardian, the amount of such compensation shall be fixed by the judge, on a due consideration of the circumstances of the case.

Guardians to be furnished with a commission, and to give security.

Form of obligation to be executed by guardians.

Eleventh. The guardians appointed, under the eighth clause of this section, shall be furnished with a commission, under the official seal and signature of the judge; but, previously to the delivery of it, they shall give security for their appearance during the continuance of their trust, and to execute the following obligation:—"I A. B. having voluntarily taken upon myself the guardianship of C, proprietor of a ——— anna share of the estate of D, do hereby solemnly promise and engage to execute the trust committed to me zealously and faithfully to the best of my judgment, and according to the regulations which have been or may be prescribed for the guidance of guardians, by the Governor General in Council; I will derive no advantage myself, directly or indirectly, from any monies belonging to my ward, which may come into my hands in the execution of my trust, beyond the compensation granted me for my superintendence; nor will I knowingly suffer any other person to derive therefrom any such undue advantage. I also promise and engage to render a true and just account of whatsoever may be received by me on account of my ward above mentioned, when required to do so by any competent authority; and in the event of its being proved that I have been guilty of any embezzlement, or of any breach of trust injurious to his (or her) property, I hereby bind myself, my heirs, and successors, to make good treble the amount of the embezzlement or injury so proved against me."

Twelfth. Guardians appointed, under this regulation, shall have the care of the person, maintenance, and, if a minor, the education of the ward. They shall also vote in the election of a manager for the joint undivided estate, as prescribed in Section 5, Regulation LII. 1803; and the manager shall account to them for such portion of the profits arising from the estate, as their wards may be entitled to receive, on a fair distribution thereof amongst all the joint proprietors.

Duties to be performed by the guardians.

To vote in the election of managers.

Thirteenth. Estates under charge of a manager, elected as stated in the foregoing section, shall be held answerable for the payment of the revenue assessed thereon; and nothing contained in this regulation shall be considered as exempting the lands from sale, for the realization of any balances which may, at any time, become due to Government.

Estates under charge of managers so elected, liable to be sold for balance of revenue.

Fourteenth. If any person shall think himself aggrieved by any act done by any of the *zillah* judges, in the exercise of the authority vested in them by this section, he is at liberty to state his complaint, by petition, either to the judge in person, or to the court of Sudder Dewanny Adawlut; and whenever any such complaint shall be made, the judge shall certify a copy of the petition, and of all his proceedings in the case to which it relates, to that court, who are authorized to confirm or rescind his decision, as to them shall appear just and proper; and their judgment, in all such cases, is hereby declared to be final.

Mode in which redress may be obtained by persons considering themselves aggrieved by any act, performed by the *zillah* judges under this regulation.

XXX. The periods prescribed for the operation of certain parts of this regulation in the conquered provinces in the Dooab and on the right bank of the river Jumna, and in the territory ceded to the Honorable the English East India Company in Bundlecund by the Peishwah, shall not be construed to extend to certain *pergunnahs* separated from the *zillahs* of Moradabad and Etawah, and annexed to the *zillah* of Allyghur, conformably to the orders passed by the Governor General in Council, under date the 27th of November 1804, excepting in instances in which such periods shall correspond with those prescribed in the regulations for the administration of the ceded provinces. In all other instances, the periods prescribed in the regulations last mentioned, shall be considered to be still applicable to the *pergunnahs* aforesaid.

Provision for the operation of parts of this regulation in certain *pergunnahs* separated from the *zillahs* of Moradabad and Etawah, and annexed to the *zillah* of Allyghur.

XXXI. On the receipt of the Persian and Hindoostanee translations of this regulation by the judges and magistrates of the *zillahs* specified in Section 3, they shall cause the same to be publicly read in their respective *cutcherrees*, together with the translations of the several regulations thereby extended to the said *zillahs*. They shall also require the native pleaders of their respective courts to take copies of the translations of the several regulations which relate, directly or indirectly, to the administration of justice in civil cases; and shall cause the copies which, by Section 10, Regulation XLVI. 1803, they are required to furnish to the *cauzies* stationed in the several towns and *pergunnahs* within their respective jurisdictions, to be read and published, for general information, at the *cutcherrees* of the *munsiffs*, appointed under Regulation XVI. 1803; as well as of the *tehsildars*, and police *darogahs*, in charge of the police, under Regulation XXXV. 1803. This rule shall be likewise observed with respect to all future regulations; and is declared to extend to the ceded as well as to the conquered provinces.

Rules to be observed by the judges and magistrates in the ceded and conquered provinces, with the view of making the regulations generally known throughout their respective jurisdictions.

A. D. 1806. REGULATION VIII*.

A REGULATION *to amend the existing Rules for receiving Complaints in the City and Zillah Civil Courts, against Collectors of the Land Revenue and Customs, Commercial Residents, and other European Public Officers declared amenable to those Courts, for Acts done in their official Capacity in Opposition to any published Regulation ; and to make further Provision for a special Inquiry, in certain Cases of Charge, or Information, against any such Officers.*—PASSED *by the Governor General in Council, on the* 12*th of May* 1806; *corresponding with the* 31*st Bysaak* 1213 *Bengal era ; the* 10*th Jeyte* 1213 *Fussily ; the* 31*st Bysaak* 1213 *Willaity ; the* 9*th Jeyte* 1863 *Sumbut ; and the* 22*d Suffer* 1221 *Higeree.*

BY *Section* 10, *Regulation III.* 1793, *(extended to Benares by Section* 7, *Regulation VII.* 1795 ; *and re-enacted for the ceded provinces by Section* 7, *Regulation II.* 1803,*) collectors of the revenue, commercial residents or agents, salt agents, collectors of the customs or other duties, the mint and assay masters, and their respective assistants, (as well as the native officers employed under them respectively,) are declared amenable to the* zillah *or city court of* dewanny adawlut *in the jurisdiction of which they may reside, or carry on the public business committed to their charge, for any acts done in their official capacity, in opposition to any regulation printed and published in the prescribed form. Similar provisions are contained in the regulations which have particular reference to the functions and duties of the several public officers specified ; and to those of the opium agents. It is further provided by the regulations referred to, that if the complainant consider himself aggrieved, under any published regulation, by an act done by any of the officers described, in pursuance to a special order originating with the Governor General in Council, or with the Board of Revenue, or the Board of Trade; or with respect to demands of revenue, if he admit the demand to be conformable to the engagements or stipulations under which the collector may have made the demand, but deny their validity, or have any objections to them, either wholly or in part, under any regulation passed by the Governor General in Council; the collector, or other public officer, is not to be liable to personal prosecution on account of such authorized act, or on account of demands made in conformity to such engagements, or stipulations; which are to be held valid until they are set aside, or altered, by a final judicial decision. In such cases Government is to be considered the defendant; and the person deeming himself aggrieved is directed to present a petition to the judge of the* zillah *or city court having jurisdiction over the officer by whom the act complained of may have been done, stating wherein he considers himself injured under the regulations ; and praying that the Governor General in Council will order the court, in which the cause may be cognizable, to try the points or matters contested agreeably to the regulations. The judge, to whom any such petition* *Preamble.*

* The whole of this regulation is rescinded by Section 2, Regulation XVII. 1813, and Section 2, Regulation II. 1814.

may

may be presented, is required to forward it immediately to the Governor General in Council; who has declared that, if he shall not think it proper to afford the redress solicited by the petitioner, and the established courts of justice shall be competent to try the cause, he will direct the court, in which it may be cognizable, to proceed to the trial of it under the same rules and regulations as are prescribed for the trial of suits between individuals. The officer, by whom the act complained against may have been done, is, in such cases, to defend the suit on the part of Government, under the directions of the Governor General in Council, or of the Board of Revenue, or Board of Trade, (according to the authority under which he may have acted;) and he is to employ for this purpose the vakeel *of Government attached to the court in which the suit may be tried. But in all other cases, viz. excepting such as are specially declared to be suits against Government, the officer complained against is left to defend the suit by any* vakeel *he may think proper to employ, and at his own ultimate risk and expense, if his conduct shall appear, on judicial investigation, to have been repugnant to, or unwarranted by, the regulations; though in suits involving any claim to money received or demanded on behalf of Government, all costs of suit are allowed to be disbursed, in the first instance, from the public treasury; and the officer complained against is secured from personal loss, if his conduct shall be adjudged by a final decree to have been conformable to the regulations. A principal object of the provisions made upon this subject, in the existing regulations, was to distinguish suits, in which the collectors and other public officers might become personally answerable for any unauthorized deviation from the rules prescribed for their guidance, in the performance of their respective duties; and suits for acts done by them, under special orders, in the regular discharge of their official functions, in which no personal responsibility could attach to them. A further object was to furnish the Governor General in Council with the earliest information of all cases in which individuals might deem themselves aggrieved by acts done in pursuance of special orders from the Governor General in Council, or from the Board of Revenue, or Board of Trade; that redress might be granted without a judicial process, if it should appear that any real injury had been sustained; or that the rights of Government might be defended, with full information and advice from the proper departments, if the complaint preferred should, on inquiry, be deemed not to have any just foundation. From omissions of the prescribed forms however, and in some instances from misapprehension of the detailed provisions of the regulations, suits have been instituted and prosecuted against the public officers, as personal actions, which ought rather to have been received and reported to Government as public suits; and on the other hand, the officers complained against have sometimes regarded complaints of their official acts, which, if established, would render them personally responsible, to be within the description of suits against Government, which they were not bound to defend individually. It is therefore advisable, with a view to prevent all possibility of doubt in such cases, that every complaint preferred in the courts of civil justice against any European public officer amenable thereto, should be reported, in the first instance, for the information and orders of the Governor General in Council. It is also expedient and requisite, that provision should be made for a special inquiry, when charges of a serious nature are preferred to any of the established courts of judicature, authorized to receive such charges, against any of the covenanted servants of the Company, employed in situations of trust and responsibility, in the revenue, or commercial department; as well as when any charge or public information of this description may be communicated directly, or through any official channel of communication, to the Governor General in Council. By the statute* 13 Geo. *III. Cap. LXIII. Sec.* 33, *it is enacted, that "if any of his Majesty's subjects in India, employed by, or in the actual service of, the United Company, shall be charged with, and prosecuted for, any breach of public trust, or for embezzlement of public money, or stores, or for defrauding the United Company; every such offender, being convicted thereof in the Supreme Court of Judicature, may be fined and imprisoned, and judged to be for ever after incapable of serving the United Company." It is further enacted by the Statute* 33 Geo. *III. Cap. LII. Sec.* 62, *"that the demanding or receiving any sum of money, or other valuable thing, as a gift or present, or under colour thereof, whether it be for the use of the party receiving the same, or for, or pretended to be for, the use of the Company, or of any other person whatsoever, by any*

British subject holding or exercising any office or employment under His Majesty, or the United Company, in the East Indies, shall be deemed and taken to be extortion, and a misdemeanor at law; and shall be proceeded against and punished as such, under and by virtue of this act; and the offender shall also forfeit to the King's Majesty, his heirs and successors, the whole gift or present so received, or the full value thereof." These provisions of the British legislature are open to the direct prosecution of the charges therein mentioned before the Supreme Court of Judicature at Calcutta by any individual who may be desirous of prosecuting such charges in that court, without the interposition of Government. But individuals cannot be expected, in all cases, to prosecute charges of the nature specified (at their own risk and expense) in the Supreme Court at the presidency; and when an accusation is preferred to any of the courts of judicature authorized to receive the same, or public information is given to the Governor General in Council, of corruption, embezzlement, or other gross malversation, breach of trust, or high misdemeanor, by a public officer, it is requisite for the ends of justice, that an immediate inquiry should be instituted for the purpose of ascertaining whether such accusation, or information, be founded or otherwise; in order that in the former case Government may be enabled to judge, whether such officer deserve any longer to be continued in the employment of the Company, and that (in cases which may appear to require it) the provisions of the law may be carried into effect by a public prosecution in the Supreme Court of Judicature, or if the charge shall appear to be unfounded, that justice may be done to the character of the accused. The following rules are accordingly enacted by the Governor General in Council for the purposes specified; and are to be considered in force, as soon as promulgated, in the whole of the provinces subject to the immediate authority of the Presidency of Fort William.

First process to be observed, on the institution of a complaint, in a zillah or city court, against a collector, commercial resident, or other European public officer, amenable thereto; when the act complained of may not come within the special provisions of Section 4. of this regulation.

II. Whenever a complaint may be instituted, in the manner prescribed by the regulations, in any city or zillah *civil court, against a collector of the revenue, or a commercial resident or agent, or a salt or opium agent, or a collector of the customs or other duties, or a mint or assay master; or against any assistant to such officers respectively; or generally against any European public officer amenable to a* zillah *or city court; for any act which, under the regulations in force, may be cognizable by such court; and may not be of the nature described in Section 4. of this regulation; the judge, previously to calling upon the officer complained against for his answer, shall transmit a copy and English translation of the complainant's petition to the Governor General in Council, for his information and orders.*

What proceedings will be held, and orders passed by Government, on references made to the Governor General in Council under the preceding section.

III. On receipt of the reference directed in the preceding section, the Governor General in Council, after making such inquiry as he may judge necessary, through the Board of Revenue, or Board of Trade, or in any other mode which the circumstances of the case may suggest, will determine, in the event of the redress sued for by the complainant not being granted, whether the suit instituted shall be defended, as a public suit, by Government; or whether it shall be considered a private suit, and left to the defence of the person against whom it is brought; or generally what mode of proceeding shall be adopted with respect to the suit in question.

In what respect the judges of the civil courts to be guided by the orders of Government, upon such references.

The orders of Government, in consequence, shall be immediately communicated to the judge of the court in which the suit may have been instituted; or in which it may be cognizable; and he shall be guided thereby, as far as they may respect the general mode of proceeding to be observed by him under the regulations in force. Provided, that if the Governor General in Council shall order the complaint, so referred, to be tried in a zillah *or city court, either as a public suit against Government, or as a private suit against the party whose acts are complained of, the whole of the rules in force relative to the trial and decision of such suits, respectively, shall be considered applicable to the trial and decision of the suit in question; in like manner as if no special orders from Government had been received.*

First process to be observed on complaints, or charges, of corruption, embezzlement, or other gross fraud, breach of trust, or high misdemeanor.

IV. Whenever a complaint, or charge of corruption, viz. of the corrupt demand or receipt of money, or other valuable thing, as a gift, or present, or under colour thereof, or a charge of embezzlement of public money, or stores, or of any gross fraud upon the Company, or breach of public trust, or other high misdemeanor, such as may appear to come within the provisions of the statutes quoted in the preamble to this regulation, or may

may be indictable as a misdemeanor in the Supreme Ccourt of Judicature, under any other statute in force, or though not so indictable may amount to a gross breach of duty or trust, such as, if established, would subject the party to dismission from office; shall be preferred against any of the officers mentioned in Section 2. of this regulation, in any zillah, city, or provincial court authorized by the regulations to receive the same; or before the court of Sudder Dewanny Adawlut; the judge, or judges, of the court receiving such complaint or charge, shall transmit a copy and English translation of the petition of plaint or charge, for the information and orders of the Governor General in Council.

What proceedings will be held, and determination passed, by Government, on references made to the Governor General in Council under the foregoing section; or when a charge, or public information, of the same nature, may be otherwise communicated to the Governor General in Council.

V. On the receipt of any petition transmitted to the Governor General in Council under the preceding section, as well as in all cases, when a charge or public information, of the nature therein described, may be communicated directly to the Governor General in Council, or through the medium of the Board of Revenue, or Board of Trade, or of any other official channel of communication to Government; the Governor General in Council will order such general inquiries to be made, as the nature of the case may suggest; either by a reference to the Board of Revenue, or Board of Trade, or to any of the local authorities, or (in cases in which it shall appear to be expedient) by calling upon the person accused, for an explanation of the charges exhibited against him, for the purpose of ascertaining, whether any grounds exist for making a more full and formal investigation into the charges.

Commissioners to be appointed, and oath to be taken by them, when a special inquiry may appear necessary.

VI. When it may appear necessary to cause a special inquiry to be made into any charge of the nature of those above described, the Governor General in Council will appoint a commissioner or commissioners, who, previously to entering upon the performance of the duty committed to him, or them, shall take and subscribe the following oath, before such person, or court, as the Governor General in Council may direct to administer it.

" I, A. B. appointed a commissioner for making a special inquiry into a certain charge (or charges) exhibited against C. D. do hereby solemnly swear, that I will faithfully and impartially perform the duty committed to me, without fear, favour, or bias, to the best of my ability, knowledge, and judgment.—So HELP ME GOD."

Commission, where to be holden.

VII. The Governor General in Council will, at the same time, order the commission so appointed, to be holden at such place as may appear to be most convenient.

Court of Sudder Dewanny Adawlut invested with general control over all commissions, appointed under this regulation.

And empowered to instruct the commissioners, on all points not expressly provided for by this, or any other regulation.

Provision for submitting to Government any new regulation, which may appear advisable, in such cases.

VIII. The court of Sudder Dewanny Adawlut is hereby invested with a general control over the proceedings of all commissions constituted under the present regulation. The commissioners are accordingly to apply to the Sudder Dewanny Adawlut for any instructions which they may require in the execution of the duty entrusted to them, for which provision may not have been expressly made by the present, or any other regulation; and the Sudder Dewanny Adawlut is empowered to pass such orders on the subject as may appear to be most consonant to the general principles of equity, and most conducive to the purposes of substantial justice. Provided, however, that if any doubt or difficulty should arise in the conduct of such investigations, for which it may appear to the Sudder Dewanny Adawlut to be advisable to make provision by a general regulation, that court shall prepare the necessary draught of a regulation for the purpose, and submit it to the Governor General in Council for his consideration.

In what cases the Governor General in Council will order the suspension from office of the person charged with any of the offences specified in Section 4.

IX. Whenever a special commission may be appointed under the provisions of this regulation for the investigation of charges exhibited against a public officer, such officer shall be suspended from the discharge of the functions of his station, and from the receipt of the salary and allowances attached to it. But if the charge be found, on inquiry, to have no foundation, the Governor General in Council, on restoring the suspended officer to the exercise of the functions of his station, will order payment of the whole of his salary and allowances, from the date of his suspension; in like manner, as if it had never taken place.

By whom the prosecution is to be conducted, when a commission may be instituted, under this regulation.

X. Whenever a commission may be instituted under the provisions of the present regulation, for the investigation of charges exhibited against a public officer, the Governor General in Council will determine, whether the conduct of the prosecution shall be

be left to the accuser; or be undertaken on the part of Government. In the latter case, it shall be the duty of the Board of Revenue, or the Board of Trade, (according as the person accused may be attached to the revenue or the commercial department,) to digest and prepare the charges from the papers which may be transmitted to them for that purpose by the Governor General in Council, and from any further information obtainable from the accuser, or from any other source; to bring the evidence in support of the accusation in due order before the commissioners; and generally to conduct the proceedings on the part of the prosecution, through the channel of the register of the zillah *or city court, in which the commission may be assembled; whose duty it shall be, on all occasions of the above nature, to conduct the prosecution before the commissioners on the part and under the orders and guidance of the Board of Revenue, or the Board of Trade, and with the aid of the* vakeel *of Government. The person, or persons, by whom the charges or information shall have been exhibited, may also be examined upon oath, on the part of the prosecution.*

Persons by whom the charges, or information, have been exhibited, may be examined on oath, for the prosecution.

XI. Under the provisions contained in the preceding section, the person by whom the information or accusation may have been originally lodged, will of course be at liberty to communicate in writing with the Board of Revenue, or Board of Trade; or personally with the officer appointed to conduct the prosecution on the spot, as circumstances may from time to time require.

The person by whom the information may have been originally lodged, at liberty to communicate in writing with the Board of Revenue, or Board of Trade, or personally with the officer conducting the prosecution.

XII. It shall be the general duty of commissioners appointed under this regulation, after receiving the plaint or charge, and the documents from which the same may have been prepared, to call upon the person accused for his reply to the accusation; to examine upon oath, the witnesses named by the accuser, or the accused, as having knowledge of any facts relative to the charges, or defence; to receive any further written documents offered in support of, or against the accusation; and to call for and take any further requisite evidence which may be indicated by the witnesses adduced, or documents exhibited, by either party; and may appear to be necessary for the ascertainment of facts, or the discovery of the truth or falsehood of the charges, or of any part thereof.

General duty of the commissioners appointed under this regulation.

XIII. For the discharge of the duties specified in the preceding section, or any other functions which may be delegated to a commission constituted under this regulation, it shall be vested with the same powers as are exercised by a court of zillah *or city* dewanny adawlut; *except that all process to cause the attendance of witnesses, or other compulsory process, shall be served through, and executed by, the* zillah *or city court, in the jurisdiction of which the commission may be held; or in which the witness, or other person upon whom the process is to be served, may reside. In the rejection of inadmissable evidence, in the exclusion of irrelevant and superfluous matter, and in other questions affecting the regularity and fairness of the investigation; as well as in preventing unnecessary delays, and impediments; the commissioners are to be governed by the rules and maxims of justice; and in all points, not expressly provided for by this regulation, the provisions contained in the general regulations are to be observed, as far as they may appear consistent and applicable.*

Powers, vested in a commission constituted under this regulation.

By whom process for attendance of witnesses, and other compulsory process, to be served and executed.

By what rules and maxims of justice, the commissioners to be guided, in questions affecting the regularity and fairness of their investigation; and in preventing delays and impediments.

Provisions of the general regulations to be observed, as far as applicable, in all points not expressly provided for by this regulation.

XIV. On the close of the evidence in support of the prosecution, and in defence of the accused, before the commission, it shall be at the option of the party accused, to record any observations upon the result of the inquiry, which he may think necessary for the vindication of his conduct and character. The accuser, or the Board of Revenue, or the Board of Trade, in cases in which the prosecution may be conducted on the part of Government, shall also be at liberty to record any remarks on the subject of the prosecution which may be deemed requisite, for the information of the court of Sudder Dewanny Adawlut, and of the Governor General in Council.

The person accused, as well as the accuser, or prosecutor may record any requisite observations, upon the close of the evidence before the commission.

XV. When the proceedings of the commission shall have been concluded, or as soon afterwards as circumstances may admit, the commissioner or commissioners, shall transmit to the Sudder Dewanny Adawlut, the whole of the proceedings held, and documents received (accompanied with translations of papers not in the English language), together with a summary of the pleadings and evidence, and his or their opinion on the merits of the case.

Proceedings to be transmitted, and report made, to the court of Sudder Dewanny Adawlut, when the inquiry of the commissioners is concluded.

XVI.

Report and documents to be submitted to the Governor General in Council by the Sudder Dewanny Adawlut, with the opinion of that court upon the proof of the facts charged.

XVI. *The judges of the Sudder Dewanny Adawlut, after duly considering the proceedings and report transmitted to them under the preceding section, and after calling for any further evidence which may appear to them attainable and requisite, shall submit the whole of the proceedings and documents received by them to the Governor General in Council; with their opinion, whether any and what facts charged against the party accused appear to have been established.*

Final orders to be then passed by Government.

And when necessary, instructions will be issued to the law officers of Government, for a public prosecution in the Supreme Court.

XVII. *The Governor General in Council, on consideration of the report and proceedings submitted to him, in pursuance of the foregoing section, will pass such final orders as may appear to him just and proper; and in the event of his deeming it necessary that the party accused should be brought to trial, by a public prosecution, in the Supreme Court of Judicature, will issue the necessary instructions for that purpose to the law officers of Government.*

In what cases, false accusers, or informers, will be liable to prosecution for damages.

And power reserved to Government, of ordering, in any particular case that may require it, the expense of the inquiry made, to be defrayed by the false accuser.

XVIII. *Should the result of any special inquiry, instituted under the provisions of this regulation, shew the charge or information, upon which it may have been ordered, to be altogether without foundation, and more especially if it should appear to have originated in any calumnious or malicious motive, the false accuser or informer will be liable to prosecution for damages, in any court to which he may be amenable, at the suit of the person against whom the charge or complaint may have been preferred. The Governor General in Council further reserves to himself a power of directing, in any particular case, which may appear to require it, that the expence attending the inquiry, made upon a charge, clearly shewn to be false and unfounded, and evidently known to be such by the accused, at the time of his accusation, shall be defrayed by him, and recovered under the orders of the court of Sudder Dewanny Adawlut, by the ordinary process for enforcing a judgment of that court.*

General explanation of the provisions in this regulation, as not restricting public or private prosecutions in the Supreme Court, at all times, in the mode prescribed by law.

XIX. *Nothing in the present regulation shall be construed to preclude the Governor General in Council from ordering a public prosecution, in the Supreme Court of Judicature, whenever it may appear to him expedient, without making the special inquiry herein provided for. Nor will any resolution or order, which the Governor General in Council may pass under this regulation, prevent individuals from having recourse, at all times, to the Supreme Court, in the mode prescribed by law.*

A. D. 1806. REGULATION X.

A REGULATION *for extending to the Judicial Department such Parts of Regulation VIII.* 1806, *as are applicable to Charges, or Information, against the European public Officers employed in that Department; and for making further Provision in such Cases.*—PASSED *by the Governor General in Council, on the* 19*th June* 1806; *corresponding with the 7th Assaar* 1213 *Bengal era; the* 18*th Assaar* 1213 *Fussily; the 7th Assaar* 1213 *Willaity; the* 3*d Assaar* 1863 *Sumbut; and the* 1*st Rubbee-us-Sanee* 1221 *Higeree.*

Preamble.

THE provisions contained in Sections 4, and the succeeding sections of Regulation VIII. 1806, for receiving and inquiring into charges, or information, of corruption, embezzlement, or other high misdemeanor, against the European public officers employed in the revenue and commercial departments, being, with certain modifications, equally applicable to similar charges or information against the covenanted servants of the Company, holding stations of trust and authority in the judicial department; the Governor General in Council has enacted the following rules, to be in force, as soon as promulgated, in the whole of the provinces immediately subject to the presidency of Fort William.

Parts of Section 10, *Regulation V.* 1793, *and Section* 10, *Regulation IV.* 1803, *rescinded. Also Section* 8, *Regulation VI.* 1793; *and Section* 8, *Regulation V.* 1803.

*II**. *Such parts of Section* 10, *Regulation V.* 1793, *and Section* 10, *Regulation IV.* 1803, *as relate to charges of corruption against the judge of a* zillah *or city court, preferred to a provincial court of appeal, as well as Section* 8, *Regulation VI.* 1793, *and Section* 8, *Regulation V.* 1803, *relative to charges of corruption against the judge of a* zillah *or city court, or of a provincial court of appeal, preferred to the court of Sudder Dewanny Adawlut, are hereby rescinded.*

Parts of Section 9, *Regulation XIII.* 1793, *and Section* 12, *Regulation XII.* 1803, *likewise rescinded.*

III. Such parts of Section 9, *Regulation XIII.* 1793, *and Section* 12, *Regulation XII.* 1803, *as relate to charges of corruption and extortion against the registers or assistants to the civil and criminal courts; or against any other officers of those courts being covenanted servants of the Company, are also rescinded.*

First process to be observed on charges of corruption, embezzlement, or other high misdemeanor, preferred against any of the covenanted servants of the Company employed in the judicial department.

IV. Whenever a charge of corruption, embezzlement, or other high misdemeanor, as described in Section 4, *Regulation VIII.* 1806, *against the register, or assistant to the register, of any* zillah *or city court, or against an assistant to the magistrate of any* zillah *or city, may be preferred to the judge of such* zillah *or city, or to the provincial court of the division in which such* zillah *or city may be situated; or to the court of Sudder Dewanny Adawlut; and whenever any such charge against the judge, or assistant judge, or the magistrate of a* zillah *or city, or against the register, or assistant to the register, of any provincial court of appeal and circuit, may be preferred to the provincial court, having authority over the judge, magistrate, or other officer so accused; or to the court of Sudder Dewanny Adawlut; and whenever any such charge against the judge of a provincial court of appeal and circuit, or against the register, deputy register, or any assistant to the register, of the courts of Sudder Dewanny Adawlut and Nizamut Adawlut, may be preferred to the court of Sudder Dewanny Adawlut: the judge, or judges, of the court receiving any such charge shall immediately transmit the same (with an English translation, if preferred in any of the country languages) for the information and orders of the Governor General in Council.*

* Sections 2. to 9. rescinded by Section 2, Regulation XVII. 1813.

V.

To whom the Governor General in Council will refer the charge for investigation, when it may appear requisite.

V. On the receipt of any charge transmitted to the Governor General in Council under the preceding section, as well as in all cases when a charge, or public information of the nature therein described, against any covenanted servant of the Company employed in the judicial department, may be communicated directly to the Governor General in Council, he will call for any explanation, or cause any general previous inquiry to be made, which he may deem proper, on consideration of the nature and circumstances of the case. If on receipt of such information it shall appear to the Governor General in Council to be necessary and proper, either from the importance or nature of the charge, to cause a further inquiry to be made, he will refer the charge for investigation to any of the established courts of judicature, or to a special commission, consisting of one or more of the judges of those courts, or any other person or persons whom he may judge it expedient to appoint for the purpose.

Oath to be taken by any special commissioners, to whom the charge may be referred for inquiry.

VI. When a charge, received under this regulation, may be referred for inquiry to any special commission, not being one of the established courts of judicature, the commissioner or commissioners, previously to entering upon the performance of the duty committed to him or them, shall take and subscribe, before such person or court, as the Governor General in Council may direct to administer it, the oath prescribed in Section 6, Regulation VIII. 1806.

What parts of Regulation VIII. 1806, to be applied to charges referred for inquiry under this regulation.

VII. The provisions contained in Sections 7, 8, 12, 13, 14, 15, 16, 17, 18, and 19. of Regulation VIII. 1806, shall also be applied to the investigation of any charges referred for inquiry by the Governor General in Council, under the present regulation.

Persons accused to be suspended.

VIII. Whenever a charge may be referred for investigation, after the general previous inquiry mentioned in Section 5. of this regulation, either to any of the established courts of judicature or to a special commission, the officer accused shall be suspended from the discharge of the functions of his station, and he shall, at the same time, be suspended from the receipt of the salary and allowances attached to such station. But if the charge be found, on inquiry, to have no foundation, the Governor General in Council, on restoring the suspended officer to the exercise of the functions of his station, will order payment of the whole of his salary and allowances, from the date of his suspension, in like manner as if it had never taken place.

Discretion reserved to the Governor General in Council of ordering a prosecution of the charge on the part of Government, and by whom to be conducted in such cases.

XI. When a charge may be referred for inquiry under this regulation, the Governor General in Council will determine, whether the conduct of the prosecution shall be left to the accuser; or be undertaken on the part of Government. In the latter case, the Governor General in Council will appoint a committee, consisting of such of the public officers at the presidency, as he may judge proper, to digest and prepare the charge or charges, from the papers received and any further information obtainable from the accuser, or from any other source; and to bring the evidence in support of the accusation in due order before the court or commission. The Governor General in Council will at the same time nominate, either the register of the provincial, zillah, *or city court, where the inquiry is to be made, or such other person as may be deemed proper, to conduct the proceedings on the part of the prosecution, under the orders of the said committee, with the aid of the* vakeel *of Government. The person or persons by whom the charge or information shall have been exhibited, may also be examined upon oath, on the part of the prosecution.*

Security for prosecuting the charge, not to be demanded in the first instance. But may be required, if necessary, at any time in the course of the inquiry.

This provision declared applicable to charges referred for inquiry under Regulation VIII. 1806.

And to charges of corruption and extortion against the native law officers and ministerial officers of the civil and criminal courts.

X. Security shall not be demanded, in the first instance, for the prosecution of any charge received under this regulation. But in the event of its appearing necessary, at any time in the course of the inquiry, sufficient *hazirzaminee* security may be required from the accuser, to attend and prosecute the charge to a conclusion. This provision shall also be considered applicable to charges against the public officers of the revenue and commercial departments referred for special inquiry under Regulation VIII. 1806; as well as to charges of corruption and extortion against the Hindu and Mahomedan law officers, and the native ministerial officers, of the civil and criminal courts, in qualification of the rules contained in Regulations XII. and XIII. 1793, and Regulations XI. and XII. 1803, whereby security is required for the prosecution of a charge of corruption or extortion against any such officer, previously to the charge being received.

A. D.

A. D. 1809. REGULATION VIII.

A REGULATION *for modifying Parts of the Rules in Force, respecting the Appointment and Removal of the Native Officers of Government, in the Judicial, Revenue, and Commercial Departments.*—PASSED *by the Vice-President in Council, on the* 29*th August* 1809; *corresponding with the* 15*th Bhadoon* 1216 *Bengal era; the* 4*th Bhadoon* 1216 *Fussily; the* 16*th Bhadoon* 1216 *Willaity; the* 4*th Bhadoon* 1866 *Sumbut; and the* 17*th Rajub* 1224 *Higeree.*

Preamble.

UNDER the rules prescribed by Regulation V. 1804, the confirmation of the appointment, resignation, and removal of the principal ministerial native officers, employed in the courts of Sudder Dewanny Adawlut and Nizamut Adawlut, the provincial courts of appeal and circuit, the *zillah* and city civil courts, and the courts of the magistrates in the several *zillahs* and cities, as well as of the principal native officers employed under the Boards of Revenue and Trade, the collectors of the revenue and customs, the commercial residents and agents, and the agents for the provision of salt and opium, is reserved to the Governor General in Council; to whom is also reserved the confirmation of the appointment, resignation, and removal of the law officers of the several courts of justice; the *cauzy-ul-cuzaut*, and the *cauzies* of the several cities, towns, and *pergunnahs;* the keepers of the records of the courts of judicature and collectorships; the police *darogahs*, and the other principal officers of the police. It is at the same time required by Section 6. of the regulation above mentioned, that whenever the authorities specified, may see cause for the removal of any of the native officers in question, they shall, after communicating to such officer the grounds upon which he may be considered undeserving of continuance in his station, and calling upon him to state what he may have to offer in his defence, transmit through the prescribed channel of public correspondence, to the Governor General in Council, a report of the circumstances of the case, with a copy and translation of the communication made to the officer, and his answer, accompanied by a copy and translation of any proceedings or documents referred to in the report, which may be material to the case, and appear necessary for the full information of the Governor General in Council: a similar mode of proceeding is directed with respect to other descriptions of native officers, the confirmation of whose appointment, resignation, and removal is left to the courts of Sudder Dewanny Adawlut, and Nizamut Adawlut, or to the Board of Revenue or Board of Trade. The observance of these rules has been found to occasion considerable labour and occupation of time, in the public offices, to the interruption of other business of importance, and it is considered that the object of them stated in the preamble to Regulation V. 1804, may be effectually attained, with some modification of the requisition for a full report of proceedings, by transferring to the courts of Sudder Dewanny Adawlut and Nizamut Adawlut, and the provincial courts of appeal and circuit, to the Boards of Revenue and Trade, and to the Board of Commissioners in the upper provinces, the power of confirming the appointment, resignation, and removal of the native officers specified; excepting only the law officers of the courts of Sudder Dewanny Adawlut and Nizamut Adawlut, whose appointment and removal, from the nature of their functions, should be still reserved to Government. The local knowledge possessed by the courts of circuit, and the number of cases brought before them at the *zillah* and city jail deliveries, in which the conduct of the police officers falls within their observation, render it particularly expedient, that those courts should control the appointment and removal of the *cutwals*, police *darogahs*, and other principal officers of the police. And

And it is necessary to declare, with respect to these and other native officers, that they will be liable to removal from the public trusts committed to them, although no specific act of criminality may be established against them, when there is sufficient reason to consider them incapable, or neglectful of their prescribed duties; or in any respect unworthy of public confidence; especially, with regard to the police officers, when robberies or other public crimes may become prevalent within the local limits of their jurisdiction. The following rules are accordingly enacted by the Governor General in Council, to be in force as soon as promulgated, throughout the whole of the provinces immediately subject to the presidency of Fort William.

Regulation V. 1804, and any other regulation in force for the appointment and removal of native officers, declared to be modified by this regulation.

II. The rules contained in Regulation V. 1804, and of any other regulation in force, for the appointment and removal of the native officers of Government in the judicial, revenue, and commercial departments, and in the departments of salt, opium, and customs, are hereby declared subject to the several modifications and provisions contained in the present regulation.

Powers vested in the principal judicial, revenue, and commercial authorities, respecting the removal and appointment of native officers.

III. The courts of Sudder Dewanny Adawlut and Nizamut Adawlut, the provincial courts of appeal and circuit, the Boards of Revenue and Trade, and the Board of Commissioners in the western provinces, shall hereafter exercise, without reporting their proceedings for the sanction of Government, the power of appointing, removing, and accepting the resignation of the principal ministerial native officers acting under them respectively, as well as all other native officers on their respective establishments, excepting the law officers attached to the courts of Sudder Dewanny Adawlut and Nizamut Adawlut: whose nomination, removal, and resignation, shall be reported as heretofore, for the previous sanction of the Governor General in Council.

Court of Sudder Dewanny Adawlut empowered to confirm the appointment, removal, and resignation of the law officers of the provincial, *zillah*, and city courts, and the *cauzies* of cities, towns, and *pergunnahs*.

IV. *First.* The court of Sudder Dewanny Adawlut is empowered to confirm the appointment, removal, and resignation of the law officers of the provincial, *zillah*, and city courts, and of the *cauzies* of cities, towns, and *pergunnahs*, on receiving the reports prescribed by Sections 5, 6, and 9, Regulation V. 1804, with the following modification of Section 6.

Rules to be observed by a provincial, *zillah*, or city court, on seeing cause for the removal of a law officer on the ground of misconduct, neglect of duty, or experienced incapacity.

Second. Whenever a provincial, *zillah*, or city court may see cause for the removal of a law officer or *cauzy*, on the ground of any misconduct, or neglect of duty, experienced incapacity, or other disqualification, such court shall report the circumstances of the case, with its opinion on the subject, to the Sudder Dewanny Adawlut, who will pass such order on the report so made as may appear to be proper, or will call for any additional information, or direct any further inquiry, which the nature and circumstances of the case may require.

Courts of circuit empowered to confirm the appointments, removal, and resignation of *cutwals* and police *darogahs*.

V*. *First.* The courts of circuit are empowered to confirm the appointment, removal, and resignation of the *cutwals* and police *darogahs* within their respective divisions, on receiving from the *zillah* and city magistrates the reports specified in the following clauses.

Zillah and city magistrates to nominate *cutwals* and *darogahs*, and to be held responsible for selecting persons duly qualified.

Rules for the *zillah* and city magistrates on nominating such persons.

Court of circuit competent to confirm the appointment of persons so nominated.

No appointment to be considered final, till confirmed by the court of circuit.

Magistrates authorized to make temporary appointments of police *darogahs* or *cutwals*, in cases of death, resignation, removal, or suspension.

Second. The *zillah* and city magistrates shall nominate as heretofore, the *cutwals* and police *darogahs* within their respective jurisdictions, and will in consequence, be held responsible for selecting persons duly qualified. But instead of reporting to the court of Nizamut Adawlut the information obtained by them respecting the past employments, character, and qualifications of the persons proposed by them to fill the vacant office of *cutwal*, or police *darogah*, they shall make this report to the court of circuit of the division to which they are subordinate; and it shall be competent to such court of circuit to confirm the appointment of the person so nominated, if they see no objection thereto; or to call for any further information that may appear requisite, respecting the past employments, character, or qualifications of the person proposed; or if the appointment of such person appear objectionable, to require the magistrate to nominate another person. No future appointment to the office of *cutwal*, or police *darogah*, shall be considered final, till confirmed by the court of circuit, under the authority vested in it by this section. But the magistrate is authorized to make temporary appointments, of persons duly qualified to perform the duty of *cutwal*, or police *darogah*, in cases of death, removal, suspension, or resignation, immediately reporting the same for the information of the court of circuit.

* The rules in Sections 5 and 6, which "relate to the appointment or removal of *cutwals*, *darogahs*, and other police or jail officers," are rescinded by Section 6, Regulation XVII. 1816.

Third.

Third. Whenever a *cutwal*, or police *darogah*, may be desirous of resigning his office, his resignation shall be received and recorded by the magistrate, in open court; and shall be transmitted, without delay, to the court of circuit, with the nomination of a proper person to be his successor, in conformity with the preceding clause.

Fourth. When a magistrate shall see cause for the removal of any *cutwal*, or police *darogah*, on the ground of misconduct, neglect of duty, experienced incapacity, or other disqualification, such magistrate shall report the circumstances of the case, with his opinion on the subject, to the court of circuit, who will pass such order, as may appear proper on the report so made; or call for further information, or direct any further inquiry, which the nature and circumstances of the case may require.

Fifth. In cases of gross misconduct, neglect, or incapacity, such as to require the immediate suspension of a police officer, the magistrate is authorized to order the same, reporting it, with the other information required from him, to the court of circuit. He may also, in addition to the general powers vested in him by the regulations for the punishment of any specific crime or misdemeanor, fine any officer of police under his authority for neglect of duty, in a sum equal to one month's salary; and cause the same to be levied by a stoppage of the fixed allowance payable to such officer. And it is hereby declared, that police officers, of every denomination, as well as all other native officers in the service of Government, will be liable to removal from the public trusts committed to them, without proof of any specific act of criminalty, whenever there may be sufficient reason to believe them incapable, or neglectful of their prescribed duties, or in any respect unworthy of public confidence.

VI. The *zillah* and city magistrates shall also report to the court of circuit whenever they may see cause for removing a *cutwal*, or police *darogah*, from one station to another, within their respective jurisdictions; and shall not make such removals without the previous sanction of the court of circuit, unless in any particular instance, there may appear to be urgent reason for it; in which case they shall immediately report the same for the information and orders of the court of circuit.

VII. *First.* The provincial courts of appeal and circuit are empowered to confirm the appointment, removal, and resignation of the principal ministerial native officers of the *zillah* and the city judges and magistrates, as well as of the record keepers and the whole of the native officers on the establishments of the *zillah* courts, civil and criminal, receiving a salary of ten rupees per mensem or upwards, the power of confirming whose appointment, resignation, and removal, was reserved to Government, or to the courts of Sudder Dewanny Adawlut and Nizamut Adawlut, by Sections 4, 10, and 15, Regulation V. 1804.

Second. The whole of the provisions contained in Section 5, relative to the police officers, shall be considered equally applicable to the native officers referred to in the present section; and the *zillah* and city judges and magistrates are authorized and directed to proceed accordingly, making their reports to the provincial court of appeal, or to the court of circuit, as the officer whose nomination, resignation, or removal is reported, may be attached to the *zillah* or city civil court, or to that of the magistrate.

VIII*. *The rules contained in the preceding section, are not meant to be applicable to the native commissioners for the trial of civil causes, whose appointment and removal will be subject, as heretofore, under Section 19, Regulation V. 1804, to the approval of the court of Sudder Dewanny Adawlut. But when the judge of a* zillah *or city court shall see cause for the removal of any such officer, it shall be sufficient to proceed as directed in clause second, Section 4, of the present regulation, instead of observing the rule prescribed by Section 6, Regulation V. 1804. It is further hereby declared, that any native commissioner who may appear to have been guilty of gross neglect, or other misconduct, in any cause determined by him, shall not be considered entitled to the institution fee in such cause, and may be required to repay the same, if received by him.*

IX. The provisions of this regulation, except clause fifth, Section 5, which is hereby declared applicable to the whole of the native officers of Government, in addition to any other specific provisions in force, are also not intended to include the native officers attached to

In what manner magistrates are to act, on receiving the resignation of a *cutwal* or police *darogah.*

Rules to be observed by *zillah* and city magistrates, when they shall see cause for the removal of any *cutwal* or police *darogah*, on the ground of misconduct, neglect of duty, or experienced incapacity, or other disqualification for the trust committed to him.

How courts of circuit are to act in such cases.

In what instances magistrates are authorized to order immediate suspension of a police officer, and how they are to act in such cases.

Magistrates authorized to impose a fine on any police officer subject to his authority for neglect of duty, in a sum equal to one month's salary.

Police officers of every denomination, as well as all other native officers, liable to removal, without proof of any specific act of criminality, when there may be sufficient reason to believe them incapable or neglectful of their duties, or in any respect unworthy of confidence.

Rules for the guidance of the *zillah* and city magistrates, when they may see cause for removing a *cutwal* or police *darogah* from one station to another.

Provincial courts of appeal and circuit, empowered to confirm the appointment, removal, and resignation of the principal ministerial officers of the *zillah* and city judges and magistrates, and the record keepers, as well as the whole of the native officers of the *zillah* courts, civil and criminal, who receive a salary of ten rupees, or upwards.

The provisions contained in Section 5, relative to police officers, to be considered equally applicable to the native officers referred to in the present section.

The appointment and removal of native commissioners for the trial of civil causes, to remain as heretofore, subject to the approval of the Sudder Dewanny Adawlut.

* This section is rescinded by Section 2, Regulation XXIII. 1814.

But Section 4, of the present regulation, declared applicable.

Any native commissioner who may appear to be guilty of gross neglect or misconduct in any cause determined by him, not to be entitled to the institution fee, and may be required to return the same.

Provisions in this regulation not applicable to native officers in the courts of justice receiving less than ten rupees per mensem, except clause fifth, Section 7, which is declared applicable to the whole of the native officers of Government.

Rules in Regulation 5, 1804, which are still to be considered in force, with the following modifications.

Collectors of revenue and customs, in the upper provinces, how to proceed under above rules.

Head native officers and record keepers in collectorships by whom to be appointed.

Collectors, commercial residents and agents, how to proceed in cases of proposed removals.

Collectors of land revenue and customs, commercial residents and agents, and the agents for the provision of salt or opium, authorized to administer oaths to witnesses whom it may be necessary to examine respecting the conduct of any native officer employed under them.

How to proceed in cases when witnesses may refuse to take the oath.

Zillah and city magistrates to furnish the provincial courts of appeal and circuit with complete statements of their establishments.

Copies to be forwarded to the civil auditor by the provincial courts of appeal and circuit.

Provincial courts of appeal and circuit to transmit a monthly report to the civil auditor.

No alteration in the distribution of the fixed public establishments authorized by this regulation.

All correspondence relating to judicial and police establishments to pass

to the courts of justice, civil or criminal, who receive less than ten rupees per mensem; or the *naibs, jemadars, burkundazes*, and other subordinate police officers, respecting whom the rules contained in Sections 12, 13, and 14, Regulation V. 1804, will remain in force, as heretofore.

X. *First.* The rules prescribed by Sections 10, 12, 13, 14, 15, 16, 17, 18, and 19, Regulation V. 1804, respecting the native officers employed in the revenue and commercial departments, and in the departments of customs, salt, and opium, are also to be still considered in force, with the following modifications and additions.

Second. The reports directed to be made to the Board of Revenue, are to be made to the Board of Commissioners in the upper provinces, by the collectors of revenue and customs, subordinate to the authority of the Board of Commissioners.

Third. The appointment and removal of the head native officers employed under the collectors of revenue and customs, and the keepers of the records in the several collectorships, instead of being reported to the Governor General in Council, as required by Sections 4. and 10, Regulation V. 1804, are left to the determination of the Board of Revenue and Board of Commissioners, upon the reports of the collectors. In like manner, the Board of Trade are empowered to determine upon the appointment and removal of the head native officers employed under the commercial residents and agents, and the agents for the provision of salt or opium, upon reports from those officers.

Fourth. In cases of proposed removals, the collectors, commercial residents, and agents shall proceed in conformity with clause second, Section 4, of the present regulation, instead of observing the rule prescribed by Section 6, Regulation V. 1804.

Fifth. The collectors of the land revenue and customs, the commercial residents and agents, and the agents for the provision of salt or opium, are authorized to administer an oath, under the provisions of Section 6, Regulation IV. 1793; and Section 5, Regulation L. 1803, (corresponding with Section 7, Regulation III. 1803, and clause sixth, Section 25, Regulation VIII. 1803, for the ceded and conquered provinces,) to any witnesses, whom it may be necessary to examine respecting the conduct of any native officer employed under them respectively. Provided, that if any witness shall refuse to take the oath required from him, he shall be sent to the judge of the *zillah* or city court, to be confined as prescribed by the regulations in similar cases.

XI. *First.* On receipt of this regulation, the several *zillah* and city judges and magistrates shall furnish the provincial courts of appeal and circuit in their respective divisions, with complete statements of their establishments, and of all establishments of public officers acting under them, which have been authorized by Government, specifying the names and dates of appointment of all officers receiving ten rupees per mensem, or upwards. Copies of the statements so received, shall be forwarded by the provincial courts of appeal and circuit, to the civil auditor, who will report through the proper channel, any deviations from the fixed establishments, or any unauthorized changes, in the officers employed upon such establishments, for the orders of the Governor General in Council.

Second. The provincial courts of appeal and circuit are further required to transmit to the civil auditor, a monthly report of any appointments or removals which may be sanctioned under the authority vested in them by this regulation, either of the native officers on their own establishments, or of those on the establishments of the *zillah* and city judges and magistrates of their respective divisions.

XII. Nothing in this regulation shall be construed to empower the provincial courts of appeal and circuit, to authorize any addition to, or alteration in the distribution of the fixed public establishments, without the special sanction of Government; but for the regular information of the provincial courts of appeal and circuit, all correspondence on the subject of the judicial and police establishments in the several *zillahs* and cities, shall pass through the provincial courts of appeal and circuit, who in submitting to the courts of Sudder Dewanny or Nizamut Adawlut, or to the Governor General in Council, any propositions of the *zillah* and city judges or magistrates, relative to their establishments, shall, at the same time,

time, communicate their sentiments, after requiring any further information on the subject which may appear necessary.

XIII. It is hereby further declared, that nothing in the present regulation shall be construed to preclude the Governor General in Council, or the courts of Sudder Dewanny Adawlut and Nizamut Adawlut, from ordering the removal of a native officer, upon just and sufficient ground appearing for such order. Nor is any part of this regulation meant to prevent the exercise of the general authority vested in the courts of Sudder Dewanny Adawlut and Nizamut Adawlut by the regulations in force.

XIV. The Governor General in Council reserves to himself the power of ordering the rules contained in this regulation, to be extended to any other native officers in the service of Government, to whom the same may be considered applicable, although not specifically included in the provisions of this regulation, or of Regulation V. 1804.

through the courts of appeal and circuit.

Who will state their sentiments on forwarding the same to the Sudder Dewanny Adawlut, or Nizamut Adawlut, or to the Governor General in Council. Nothing in this regulation meant to preclude Government, or the Sudder Dewanny and Nizamut Adawluts, from ordering the removal of a native officer. Or from the exercise of the general authority vested in the Sudder Dewanny Adawlut and Nizamut Adawlut.

The Governor General in Council, reserves to himself the power of extending the rules contained in this regulation, and in Regulation V. 1804, to any other native officers in the service of Government.

A. D. 1812. REGULATION IV.

A REGULATION *to enable the Governor General in Council to institute or defend, through the Medium of the Public Officers of Government, Actions, in which Native Princes, whom it would be improper to require to appear as Plaintiffs or Defendants in the Courts of Judicature, may be Parties.*—PASSED *by the Governor General in Council, on the 24th April* 1812; *corresponding with the 13th Bysaak* 1219 *Bengal era; the 28th Bysaak* 1219 *Fussily; the 14th Bysaak* 1219 *Willaity; the 13th Bysaak* 1869 *Sumbut; and the 11th Rubbee-us-Sanee* 1227 *Higeree.*

Preamble.

WHEREAS with the view of preserving inviolate the rights of individuals, the British Government has rendered itself amenable to the courts established for the administration of justice in civil cases, throughout the provinces of Bengal, Behar, Orissa, and Benares, and in the ceded and conquered provinces; and whereas, in the same spirit of equity, the Government has precluded itself from deciding by its own authority on disputed claims to property of every description, in which it may be a party with any of its subjects, except in cases expressly reserved to its decision or to that of the subordinate executive authorities by the existing regulations; And whereas the sovereigns of adjacent states have occasionally claims to prefer, or rights to defend, as individuals in the territories of the British Government; and difficulties having occurred in prosecuting or defending such claims, from the reluctance felt by those princes to appear as plaintiffs or defendants in the courts of judicature, the following rules have been passed; to be in force from the period of their promulgation throughout the territories immediately dependant on the presidency of Fort William.

How claims of sovereign native princes or individuals may be prosecuted and decided upon.

II. *First.* In cases, in which sovereign native princes, whether residing within the British territories or otherwise, shall have claims to prefer as individuals, to lands or other things, the cognizance of which is vested by the general constitution of the country in the courts of civil judicature, it shall be competent to the Governor General in Council, to order a suit to be instituted, through the medium of the public officers, for the recovery of the lands or other things which may be so claimed, in the court, which on the principles of the general regulations is authorized to inquire into, and decide upon, the right to the disputed property.

The Governor General in Council may order the public officers to defend suits brought by individuals against such sovereign native princes.

Second. In like manner, should a suit be instituted in any of the established courts of civil judicature, by any *zemindar* or other person for the recovery of lands or other things, in the occupancy of any native prince, whom it would be improper to require to defend the action himself, it shall be competent to the Governor General in Council to order such suit to be defended by the public officers.

By whom suits so instituted or defended shall be conducted.

III. Suits which may be instituted or defended under the preceding section, shall be conducted by the collectors of the land revenue, aided by the *vakeels* of Government at the city, *zillah*, and provincial courts, and at the Sudder Dewanny Adawlut, under the directions of the Board of Revenue in the provinces of Bengal, Behar, and Orissa; and of the Board of Commissioners in the ceded and conquered provinces, and in the province of Benares; which Boards will of course on all such occasions be furnished by the Governor General in Council with such information and instructions as may appear necessary to enable them duly to superintend the conduct of the prosecution or of the defence.

A summary of the decree passed in any case of that nature wherein Government may be a party, shall be transmitted immediately to the secretary in the judicial department, for the orders of Government.

IV. In all original suits and appeals, in which Government may be a party under the provisions of the present regulation, the court which may pass judgment, shall, in addition to the copies of the decrees required to be delivered to the parties, transmit a summary of the decree with as little delay as possible, in the English language, to the secretary to Government in the judicial department, for the information of the Governor General in Council, who on receipt of such summary will issue any orders to the Board of Revenue or Board of Commissioners, which the case may appear to require, or will cause the necessary notification to be made to the person on whose behalf the cause shall have been prosecuted or defended, of the final judgment given on the action.

A. D. 1813. REGULATION XVII.

A REGULATION *for amending the Rules before enacted for the Conduct of Inquiries into Charges and Complaints preferred against European public Officers.*—PASSED *by the Governor General in Council, on the* 24*th December* 1813; *corresponding with the* 11*th Poose* 1220 *Bengal era; the* 17*th Poose* 1221 *Fussily; the* 12*th Poose* 1221 *Willaity; the* 2*d Poose* 1870 *Sumbut; and the* 30*th Zeheja* 1228 *Higeree.*

Preamble.

WHEREAS Regulations VIII. and X. 1806, contain rules for the conduct of inquiries into charges and complaints of a serious nature which may be preferred against European public officers; and whereas it has been judged advisable to simplify those rules, with a view to the more expeditious termination of investigations of that description, and to other objects connected with the public convenience; the following rules have been enacted, to be in force from the period of their promulgation, throughout the territories immediately dependant on the presidency of Fort William.

Parts of Regulations VIII. and X. 1806, rescinded.

II. Sections 4. to 19, Regulation VIII. 1806, and Regulation X. 1806, (excepting such part thereof as relates to the security to be required from persons preferring charges of corruption or extortion against the Hindoo and Mahomedan law officers and ministerial officers of the courts of judicature,) are hereby rescinded.

Inquiry into complaints or charges of corruption, embezzlement, or other gross fraud, breach of trust, or high misdemeanor against a judicial officer, to be conducted under the superintendence of the Sudder Dewanny Adawlut.

III. *First.* Whenever a complaint or charge of corruption, viz. of the corrupt demand or receipt of money or other valuable thing, as a gift or present, or of the embezzlement of public stores, or of any fraud or breach of public trust, or other gross misdemeanor, shall be preferred against any European officer attached, or who had been attached, to the judicial department, or when any matter of the nature in question, implicating the conduct of a judicial officer, shall appear in the course of any proceeding which may come before the Sudder Dewanny Adawlut, or be specially reported to it by a subordinate court, the inquiry into such charge or complaint shall be conducted according to the following provisions, under the superintendence of the court of Sudder Dewanny Adawlut.

Such inquiry into complaints or charges against a revenue officer to be conducted under the superintendence of the Board of Revenue or Board of Commissioners.

Second. Whenever a charge or complaint of the nature of those described in the preceding clause, shall be preferred against any European officer attached, or who had been attached, to the Revenue Department, or when any matter of the nature in question, implicating the conduct of a revenue officer, shall appear in the course of any proceeding which may come before the Board of Revenue or Board of Commissioners, the inquiry into such charge or complaint shall be conducted under the superintendence of the Board of Revenue or Board of Commissioners, according as the person accused may be or may have been subject to the authority of one or the other of those Boards, when the alleged acts of misconduct were committed.

Such inquiry into complaints or charges against officers attached to the commercial, salt, or opium department, to be conducted under the superintendence of the Board of Trade.

Third. Whenever a charge or complaint of the nature of those above mentioned, shall be preferred against any European officer attached to the commercial, salt, or opium department, or otherwise subject to the authority of the Board of Trade, or whenever any matter of the nature in question, implicating the conduct of any such officer, shall appear in the course of any proceeding which may come before that Board, the inquiry into such charge or complaint shall be conducted under the superintendence of the Board of Trade.

Accusations or informations against public officers not to be acted upon, unless given in upon oath, or under a solemn declaration.

IV. *First.* With a view to the protection of the characters of the public officers, it is hereby declared, that no accusation or information of the nature above described shall be acted upon, unless the truth of the charge be averred on oath, or under a solemn declaration, (if the deponent be of a rank or cast, which would render it improper to require his oath,) from the deponent's personal knowledge of the facts and circumstances on which the charge is grounded.

Persons preferring charges to be required to furnish security to prosecute them to a conclusion.

Second. With a view likewise to the more effectual accomplishment of the purpose stated in the preceding clause, that is, the protection of the characters of the public officers from malicious and calumnious aspersions, it is hereby declared, that it shall be competent to the Sudder Dewanny Adawlut, to the Board of Revenue, the Board of Commissioners, and the Board of Trade, should they deem it advisable, to require the person, by whom any public accusation or information may be preferred, to furnish such security as may be deemed reasonable to attend and prosecute the charge to a conclusion; and supposing such security not to have been taken in the first instance, to require it in any subsequent stage of the business, should circumstances appear to render that precaution at any time necessary or proper.

In cases of charges being preferred direct to the superintending authorities, previous examination and investigation to be made, whether grounds exist for a regular and formal inquiry.

V. *First.* Whenever any charge or information of the nature above described, shall be preferred direct to the Sudder Dewanny Adawlut, the Board of Revenue, the Board of Commissioners, or Board of Trade, it shall be the duty of those authorities to examine the complainant or informant circumstantially on oath, or under a solemn declaration, if he be entitled to be exempted from taking an oath, and likewise to make such further general inquiries on the subject, either by a reference to the public records, or by calling on the party accused, for an explanation of the alleged acts of misconduct, or in any other mode which the nature of the case may suggest, as may be sufficient to satisfy their minds whether grounds exist for a regular and formal inquiry into the said charge or information, or otherwise.

Every court of civil judicature receiving such charges to examine the complainant on oath, and transmit such deposition to the proper superintending authority.

Second. In order at the same time to afford sufficient facilities to persons, who may have substantial grounds for complaint against any of the public European officers employed in the judicial, revenue, commercial, salt, and opium departments, to obtain redress of any real grievances, it shall be the duty of every court of civil judicature, by which any public charge or information of the nature above described may be received, to examine the complainant or informant circumstantially on oath, or under a solemn declaration, if he be entitled to be exempted from taking an oath, and to transmit the deposition so taken to the Sudder Dewanny Adawlut, the Board of Revenue, the Board of Commissioners, or Board of Trade, according as the person accused may be subject to either of those authorities, for their further consideration, and for such further general inquiries as may be judged necessary for the purpose stated in the preceding clause.

Superintending authorities may dismiss frivolous or vexatious charges.

Third. Should the Sudder Dewanny Adawlut, the Board of Revenue, or Board of Commissioners, or Board of Trade, according as the case may be brought before either of those authorities, be of opinion that the charge or information is frivolous and vexatious, they shall merely inform the party that they do not see any substantial reason for entering further into the inquiry.

Superintending authorities to report to Government every case in which substantial grounds appear to exist for a regular inquiry.

Fourth. Should either of the authorities mentioned in the first part of the preceding clause be of opinion, after the general inquiries above noticed, that substantial grounds exist for making a regular and formal inquiry into the truth of any public charge or information which may be preferred against any European officer subject to their control, they shall submit the documents on which their opinion may be grounded, together with a clear statement of the charges, reduced to distinct heads or articles, which they would propose to be made the subject of a regular investigation to the Governor General in Council, for his consideration and orders.

Should the Governor General in Council concur in such opinion, he will appoint commissioners for making a regular inquiry.

VI. *First.* Should the Governor General in Council, on receipt of the report above described, concur with the authority by which it may be submitted, that a regular investigation should be made into the truth of the charge or information preferred against the person accused, he will appoint a commissioner or commissioners for the performance of that duty, who, previously to entering on the discharge of it, shall take the following oath:—

"I,

"I, A. B. appointed a commissioner for making a special inquiry into a certain charge (or charges) exhibiting against C. D. do hereby solemnly swear, that I will faithfully and impartially perform the duty committed to me, without fear, favour, or bias, to the best of my ability, knowledge, and judgment. So HELP ME GOD."

Oath of commissioner.

Second. The Governor General in Council will at the same time order the commission so appointed, to be holden at such place as may be most convenient, and best adapted to the ends of justice.

The commission to be holden at the most convenient place.

VII. The Sudder Dewanny Adawlut, the Board of Revenue, the Board of Commissioners, and the Board of Trade, (according as the person accused may be under one or other of those authorities,) are hereby invested with a general control over the proceedings of all commissions constituted under the present regulation. The commissioners are accordingly to apply to the court of Sudder Dewanny Adawlut, and to those Boards respectively, for any instructions which they may require in the execution of the duty entrusted to them, for which provision may not have been expressly made by the present, or any other regulation; and the Court and Boards above mentioned, are empowered to pass such orders on the subject, as may appear to be most consonant to the general principles of equity, and most conducive to the purposes of substantial justice. Provided, however, that if any doubt or difficulty should arise in the conduct of such investigations, for which it may appear to be advisable to make provision by a general regulation, the said Court and Boards shall prepare the necessary draft of a regulation for the purpose, and submit it to the Governor General in Council for his consideration.

A general control over the proceedings of such commissions vested in the proper superintending authorities.

VIII. Whenever a special commission may be appointed under the provisions of this regulation, for the investigation of charges exhibited against a public officer, the Governor General in Council will determine, on a view of the nature and circumstances of the case, whether the accused shall be suspended from the discharge of the functions of his office; and if so, whether he should be permitted to draw the established allowances of his office, or otherwise.

Government will determine whether the accused shall be suspended, or permitted to draw his established allowances.

IX. Whenever a charge shall be referred for investigation to a special commission, the Governor General in Council will determine, whether the conduct of the prosecution shall be left to the accuser, or be undertaken on the part of Government. In the latter case, the Governor General in Council will nominate such person or persons as may be deemed proper, to bring the evidence in due order before the commission, to attend the proceedings, and conduct the prosecution on the behalf of Government.

Government will determine whether the prosecution shall be conducted by the accuser or otherwise.

X. It shall be the general duty of commissioners appointed under this regulation, after receiving the plaint or charge, and the documents from which the same may have been prepared, to call upon the person accused for his reply to the accusation; to examine upon oath, or under a solemn declaration, the witnesses named by the accuser or the accused, as having knowledge of any facts relative to the charges or defence; to receive any further written documents offered in support of, or against the accusation, and to call for and take any further requisite evidence which may be indicated by the witnesses adduced, or documents exhibited, by either party, and may appear to be necessary for the ascertainment of facts, or the discovery of the truth or falsehood of the charges, or of any part thereof.

General duty of the commissioners on such investigations.

XI. For the discharge of the duties specified in the preceding section, or any other functions which may be delegated to a commission constituted under this regulation, it shall be vested with the same powers as are exercised by the *zillah* and city courts, except that all process to cause the attendance of witnesses, or other compulsory process, shall be served through, and executed by, the *zillah* or city judge in whose jurisdiction the commission may be held, on the witness, or other person upon whom the process is to be served, may reside.

Powers vested in the commission.

XII. On the close of the evidence in support of the prosecution, and in defence of the accused, he shall be at liberty to record any observations upon the result of the inquiry, which he may think necessary for the vindication of his conduct and character. The accuser, or person appointed to conduct the prosecution on the part of Government, shall also be at at liberty to record any remarks on the subject of the prosecution which he may deem requisite.

Accused and accuser to be at liberty to record observations at the close of the evidence.

 XIII.

Commissioners to transmit proceedings and report to the superintending authorities on the merits of the case.

XIII. When the proceedings of the commission shall have been concluded, or as soon afterwards as circumstances may admit, the commissioner or commissioners shall transmit to the Sudder Dewanny Adawlut, the Board of Revenue, or Board of Commissioners, or the Board of Trade, as the case may be, the whole of the proceedings held, and documents received, (accompanied with translations of papers not in the English language,) together with a summary of the pleadings and evidence, and his or their opinion on the merits of the case.

Proceedings and report to be submitted to Government by the superintending authorities, after such further inquiries as they may deem requisite, with their opinion thereon.

XIV. The Sudder Dewanny Adawlut, or the Boards to which the case may belong, after duly considering the proceedings and the report transmitted to them under the preceding section, and after calling for any further evidence which may appear to them attainable and requisite, shall submit the whole of the proceedings and documents received by them to the Governor General in Council, with their opinion, whether any and what facts charged against the party accused appear to have been established.

Government will decide on the case, but such decision not to preclude persons deeming themselves aggrieved from seeking redress in the Supreme Court.

XV. The Governor General in Council, on consideration of the report and proceedings submitted to him, in pursuance of the foregoing section, will pass such decision on the case as may appear to him most consonant to the principles of justice, and to the constitutional powers possessed by Government in matters of this description; and in the event of his deeming it necessary that the party accused should be brought to trial, by a public prosecution, in the Supreme Court of Judicature, will issue the necessary instructions for that purpose to the law officers of Government. But whatever proceedings may be held, or whatever decision or order may be passed by Government, individuals deeming themselves aggrieved by any of the public officers will be at all times at liberty to seek redress in the Supreme Court in the mode prescribed by law.

How applications for reimbursement of expenses incurred in such cases, are to be preferred and decided upon.

XVI. In cases in which it shall appear, on a full investigation of the merits of the case, that the charges or complaints preferred against any of the European officers above mentioned are well founded, the person by whom they may have been preferred shall be at liberty to submit an application to the Sudder Dewanny Adawlut, the Board of Revenue, Board of Commissioners, or Board of Trade, as the case may be, praying a reimbursement of the expense which may have been incurred by him in the conduct of the prosecution; and the authority to whom such petition may be presented shall forward it to Government, with their opinion as to the propriety of indemnifying the party for the expense so incurred, or otherwise. The Governor General in Council will of course, on receipt of any such reference, consider and determine whether it be advisable to comply with the application in question; but it is to be clearly understood, that Government does not pledge itself to indemnify any person for the expense which may be incurred on occasions of the above nature, whatever may be the result of the investigation, except in cases in which the Governor General in Council, in the exercise of a sound discretion, may deem it proper and expedient to do so.

A. D. 1814. REGULATION XXI.

A REGULATION *for preventing the Zillah and City Judges, and Collectors of the Public Revenue, from employing their Native Creditors on their respective Establishments.*—PASSED *by the Vice-President in Council, on the 4th October* 1814; *corresponding with the* 19*th Assin* 1221 *Bengal era; the* 5*th Assin* 1222 *Fussily; the* 20*th Assin* 1222 *Willaity; the* 5*th Assin* 1871 *Sumbut; and the* 19*th Shawul* 1229 *Higeree.*

WHEREAS public inconvenience has been in some instances experienced from persons invested with important and responsible offices, employing on their establishments, natives being their private creditors; and whereas it is essential to discourage the practice among the junior part of the service of contracting debts, which not only prove a source of great personal embarrassments to them as individuals, but are likewise entirely incompatible with that independence and freedom of action, which it is essential, on public grounds, that persons succeeding to responsible offices should enjoy; the following rules have been enacted, to be immediately in force throughout the provinces immediately dependant on the presidency of Fort William. Preamble.

II. From and after the promulgation of this regulation, no person, being a creditor of any *zillah* or city judge or magistrate, of any collector of the land revenue or customs, or of any agent for the provision of salt or opium, shall be appointed to any official situation on the establishment of the person whose creditor he may be. It shall consequently be the duty of the Boards of Revenue and Trade, of the Board of Commissioners, and of the courts of appeal and circuit, on receiving the reports prescribed by the provisions of Regulation VIII. 1809, to satisfy themselves fully that the natives, recommended to fill any vacancies on the establishment of the European officers acting under their control respectively, are not the creditors of the latter. With this view, it will be the duty of the said Boards and courts to make full inquiries on the subject, not only from the officers from whom such reports may be received, but through such other channels as may be necessary to guard against any infringement or evasion of the provisions of the present regulation.

The *zillah* and city judge, and collector of the public revenue, and others, prohibited from employing on their establishment any natives being their private creditors.

Duty of the Boards and provincial courts in this case.

III. The rules contained in the preceding section for precluding the creditors of the public officers abovementioned from being employed on their public establishments, shall be considered equally applicable to the relatives and dependants of such creditors: the former, as well as the latter, shall consequently be equally precluded from being employed on the establishments of any of the public officers above described.

The foregoing rules to be equally applicable to the relatives and dependants of such native creditors.

IV*. *In order to prevent misconstruction, it is hereby explained, that the foregoing provisions are not intended to apply to the commercial residents and commercial agents.*

The present regulation not applicable to the commercial residents and agents.

* Rescinded by clause third, Section 2, Regulation VII. 1823.

A. D. 1817. REGULATION VIII.

A REGULATION *for modifying certain Parts of Regulation XVII.* 1813.—PASSED *by the Governor General in Council, on the* 2d *May* 1817; *corresponding with the* 21*st Bysaak* 1224 *Bengal era; the* 1*st Jeyte* 1224 *Fussily; the* 22*d Bysaak* 1224 *Willaity; the* 1*st Jeyte* 1874 *Sumbut; and the* 14*th Jumadee-us-Sanee* 1232 *Higeree.*

Preamble.

WHEREAS by Section 7, Regulation XVII. 1813, the general control over the proceedings of all commissions constituted under the provisions of Section 6. of that regulation, is vested in the Sudder Dewanny Adawlut, the Board of Revenue, the Board of Commissioners, and the Board of Trade respectively, (according as the person accused may be under one or other of those authorities;) and whereas by Sections 13. and 14. of the regulation aforesaid, it is provided that the commissioner or commissioners so appointed shall transmit to one or other of the said authorities, as the case may be, the whole of the proceedings held and documents received, together with a summary of the pleading and evidence, and his or their opinion on the case, and that the Sudder Dewanny Adawlut, or the Board to which the case may belong, submit the whole of the proceedings and documents received by them to the Governor General in Council, with their opinion whether any and what facts, charged against the party, appear to have been established; and whereas, on some occasions, an adherence to the above form of proceeding may be productive of serious delay, in the final determination of the case, and of consequent distress to the accused party, as well as of inconvenience to the public service; the following rules have been enacted, in modification of the provisions above mentioned, and of such part of Section 15. of the regulation aforesaid, as refers to the said provisions.

The control over the proceedings of the commission appointed under Regulation XVII. 1813, by whom to be exercised.

II. Whenever a special commission shall be appointed under the provisions of Regulation XVII. 1813, for the investigation of charges exhibited against a public officer, the Governor General in Council will determine whether the commission, so appointed, shall be placed under the control of any of the authorities above specified, in the manner prescribed in Sections 7, 13, and 14. of the Regulation aforesaid, or shall act immediately under the authority of Government; and all commissions, appointed as aforesaid, shall be guided by the instructions which they may receive in this behalf from the Governor General in Council.

The commission, when instructed to act immediately under the authority of Government, shall submit their proceedings directly to the Governor General in Council.

III. When the commission shall be instructed to act immediately under the authority of Government, it shall submit directly to the Governor General in Council, (without the intervention of any of the authorities above specified,) the proceedings held, and documents received on the occasion, accompanied by translations of papers not in the English language, together with a summary of the pleadings and evidence, and their opinion on the merits of the case, in like manner as they are now required to submit the same to the Sudder Dewanny Adawlut; and the Board of Revenue, Board of Commissioners, and Board of Trade respectively, and the Governor General in Council, after receiving the report and proceedings submitted by the Commissioners, will proceed in the case, in the same manner as if the said proceedings and report had been submitted by the Sudder Dewanny Adawlut, or one of the said

said Boards: provided, however, that if, in any case, on consideration of the proceedings and report of the commissioners, it shall appear to the Governor General in Council necessary, that further evidence be taken, or that a further explanation be given by the commissioners, of their sentiments on any point connected with the case investigated by them, it shall be competent to the Governor General in Council to direct the commissioners accordingly, and the commissioners shall be authorized and required to take such further evidence as far as the same may be attainable, and to furnish such further explanation as may be required.

And to apply to Government for any instructions which they may require.

IV. When a commission may be instructed as aforesaid to act under the immediate authority of Government, such commission shall apply to Government for any instructions which they may require in the execution of the duty entrusted to them, for which provision may not have been expressly made by Regulation XVII. 1813. or any other regulation; and the Governor General in Council will pass such orders on the subject, as may appear consonant to the general principles of equity, and most conducive to the purposes of substantial justice. And in any case in which any doubt or difficulty may arise in the conduct of the investigation, for which it may appear advisable to make provision by a general regulation, the commissioners shall be competent to prepare the draft of a regulation for the purpose, and to submit it to the Governor General in Council for his consideration and orders.

Upon questions regarding the intent and meaning of any regulations, the commissioners to address themselves to the court of Sudder Dewanny Adawlut, and to be guided by their determination.

V. Provided however, that in any case wherein the commissioners shall entertain doubts of the intent and meaning of any provisions of the regulations which are or may be in force, they shall submit the point to the court of Sudder Dewanny Adawlut for their consideration, and shall be guided by the determination passed by that court.

The commission in no case to consist of less than two persons, one of whom to be selected from among the officers in the judicial department.

VI. Provided further, that whenever Government shall determine, that the commission to be appointed under the provisions of the regulation above-mentioned, shall not be placed under the control of the Sudder Dewanny Adawlut, the Board of Revenue, the Board of Commissioners, or the Board of Trade, such commission shall in no case consist of less than two persons, one of whom at least shall, in all practicable cases, be selected from among the officers in the judicial department of the service.

A. D. 1817. REGULATION XVIII.

A REGULATION *to modify the Rules in Force which prescribe an Oath of Office to be taken by certain Native Officers; and to explain and amend other Provisions relative to the Native Ministerial Officers and Law Officers of the Civil and Criminal Courts.*—PASSED *by the Vice-President in Council, on the* 16*th September* 1817; *corresponding with the* 2*d Assin* 1224 *Bengal era; the* 21*st Bhadoon* 1224 *Fussily; the* 3*d Assin* 1224 *Willaity; the* 6*th Bhadoon* 1874 *Sumbut; and the* 4*th Zekadda* 1232 *Higeree.*

Preamble.

WHEREAS doubts have arisen whether the native record keepers attached to the civil and criminal courts of judicature, as well as the *tehvildars*, or native treasurers of those courts, were meant to be included in the description of native officers required to take the oath prescribed by Section 4, Regulation XIII. 1793, (extended to the province of Benares by Regulation XII. 1795, and reenacted for the upper provinces by Section 4, Regulation XII. 1803;) also whether a *hullufnamah*, or solemn declaration, can, in any instance, be admitted, instead of the oath directed to be taken by the native officers of the civil and criminal courts; and whereas, with a view to maintain the sanctity and obligation of an oath, by confining the requisition of it to cases in which an oath may be necessary for the validity of evidence, and due administration of justice, it appears expedient to modify the rules in force, which prescribe an oath of office to be taken by any of the native officers of Government; at the same time explaining and amending the existing provisions for a civil action against the law officers and ministerial native officers of the courts of judicature, in cases of alleged corruption, or extortion; the following rules, including likewise an additional rule for the appointment of the law officers of the provincial, *zillah*, and city courts, have been enacted, to be in force, as soon as promulgated, throughout the provinces dependant on the presidency of Fort William.

Rules in force respecting a prescribed oath, to be taken by certain native officers, declared subject to modification.

II. *First.* Such parts of the regulations in force as direct that the law officers, or ministerial native officers, of the court of judicature, civil or criminal, or any other native officers employed in the judicial, revenue, or commercial department, or in any public office whatever, shall take and subscribe an oath, previously to their entering upon the discharge of the duties of the office to which they may be respectively appointed, or which, in like manner, prescribe an oath of office to be taken by the *moonsiffs* and *sudder ameens*, and by the native pleaders attached to the civil courts, are hereby declared subject to the following modification.

A solemn declaration substituted for the prescribed oath in such cases.

Second. Instead of the prescribed oath, which is required by the regulations in force, the several native officers referred to in the above clause, shall hereafter make and subscribe, in open court, or in the established public office, before the judges, boards, collectors, commercial residents and agents, or other European authorities to which they may be respectively subject, a solemn declaration to the same effect with the form of oath heretofore prescribed, except that the word "declare" shall be substituted for "swear;" and that the declarer shall not be sworn thereto.

Third.

By whom such declarations to be attested, and the above rule to be enforced.

Third. The judges, boards, collectors, or other European officers before whom such declarations are required to be made and subscribed, shall attest the same as publicly read and subscribed before them, in pursuance of the above clause, and shall be careful to enforce a due observance of the rule therein contained, by the native officers appointed to act under them respectively.

To what native officers the rules so modified are meant to extend.

III. With the modification contained in the preceding section, the rules in force, which require that certain native officers attached to the civil and criminal courts of judicature, and to other public offices, shall take and subscribe an oath, solemnly engaging to perform the duties of the office committed to them, faithfully and uprightly, according to the regulations, are hereby declared to extend to the native record keepers and *tehvildars*, or native treasurers, of the civil and criminal courts, though not specifically named in Section 4, Regulation XIII. 1793, and Section 9, Regulation XII. 1803; as well as to all other native officers of Government holding any situation of trust and responsibility in the public service.

Provisions for an oath to be taken half yearly by the Mahomedan law officers of the civil and criminal courts rescinded.

IV. The second clause of Section 5, Regulation XII. 1793; the second clause of Section 5, Regulation XI. 1803; Section 38, Regulation IX. 1793, and Section 9, Regulation VII. 1803, with any other provisions in the existing regulations which require the Mahommedan law officers of the civil or criminal courts to take and subscribe an oath on the 1st of January and 1st July of each year, are hereby rescinded.

Modification of existing rules for the nomination and appointment of the law officers of the provincial, *zillah*, and city courts.

V. In modification of the rules contained in Sections 3 and 4, Regulation VIII. 1809, which relate to the appointment of the Mahomedan and Hindoo law officers of the provincial, *zillah*, and city courts, with a view to admit of the occasional appointment of persons duly qualified, who may not be nominated by the judges of those courts, it is hereby provided, that whenever a vacancy may occur in the station of law officer to any of the above courts, and the court of Sudder Dewanny and Nizamut Adawlut, on receiving the prescribed report of such vacancy, shall for any special reason, judge it proper to nominate and appoint a fit person to fill the vacant office, without calling for, or adopting if received, the usual nomination of a person to succeed thereto by the judge or judges of the court in which the vacancy may have occurred, it shall be competent to the court of Sudder Dewanny and Nizamut Adawlut to make such nomination and appointment; recording on their proceedings the special ground on which the appointment so made may be founded, with any information obtained respecting the age, character, past employments, and qualifications, of the person so appointed to the station of law officer, whether of a *zillah*, city, or provincial court.

Explanation of provisions in force for a civil action against the law officers and ministerial native officers of the courts of judicature, in cases of alleged corruption or extortion.

VI. *First.* In explanation of the provisions for a civil action against the law officers and ministerial native officers of the courts of judicature, contained in Regulations XII. and XIII. 1793, (extended to Benares by Regulations XI. and XII. 1795; and reenacted for the upper provinces by Regulations XI. and XII. 1803;) it is hereby declared, that those provisions, the principal object of which is to enable individuals, who may be aggrieved by any of the native officers in question, to obtain redress by an action in the civil courts, are not meant to preclude a criminal prosecution in cases of corruption, extortion, or embezzlement, which may appear to call for exemplary punishment.

In what cases a law officer, or ministerial native officer, may be prosecuted in the criminal courts on a charge of corruption, extortion, or embezzlement.

And to what penalties liable on conviction.

Second. Whenever a law officer, or ministerial native officer, may not, by the result of a civil action, have been subjected to the penalties for corruption or extortion, provided for in the above regulations, and there may appear to be sufficient grounds for a criminal prosecution against any such officer, on a charge of corruption, extortion, or embezzlement, he is hereby declared liable to a criminal prosecution before the *zillah* or city magistrate, and court of circuit, as provided for in other cases of misdemeanor by the regulations; and on conviction before a court of circuit, or the court of Nizamut Adawlut, he shall be subject to discretionary punishment to the extent, and under the provisions, stated in Section 3, Regulation II. 1813, with respect to native officers convicted of making use of the public money entrusted to their care.

Report to be made to Government in such cases

Third. Section 4. of the regulation above-mentioned, directing a report of convictions and sentences to the Governor General in Council, for the purpose of enabling him to determine whether the guilty persons should be declared incapable of again serving Govern-

ment, shall also be considered applicable to any convictions and sentences under the present section.

Proceedings to be adopted for the recovery of money or property deposited in the civil and criminal courts, and embezzled by the native officers.

VII. *First.* The regulations in force not containing any provision for a summary proceeding, to inquire into and recover embezzlements of money, or other property paid into, or deposited in, the civil or criminal courts of judicature, or received by the *nazir*, *khezanchee*, or other native officers of those courts, in execution of decrees, or on account of deposits, or on any other account in their official capacity; and it appearing expedient that provision should be made for this purpose, as well as for compelling the native officers of the civil and criminal courts to deliver up any public accounts which may have been kept and withheld by them; the following rules are enacted for this purpose.

A summary inquiry to be instituted in such cases by the judge or judges of the court.

Second. Whenever any native officer attached to a civil or criminal court, may be charged with having embezzled any money or other property paid into, or deposited in, the court to which he is attached; or received by him in his official capacity, in execution of a decree, or on account of a deposit, or on any other account whatever; or whenever the judge or judges of a civil or criminal court may have reason to suspect any such embezzlement, on the part of a native officer attached to the court, they shall immediately institute a summary inquiry to ascertain the truth of such charge or suspicion; and shall, at the same time, require the native officer accused, or suspected, to give sufficient security for his attendance during the inquiry.—In the event of such security not being given, and of its appearing necessary to keep the officer in custody, pending the inquiry, it shall be competent to the judge or judges to order the same; and to keep the party in custody of *peons*, or to confine him in the jail of the *dewanny adawlut*, until he shall give the required security, or his detention appear no longer necessary.

Security to be required for the attendance of the native officer.

Or the officer to be kept in custody.

On proof of embezzlement, the amount how to be recovered.

Third. When the summary inquiry has been completed, if it be established thereby that any money or other property has been embezzled by the person accused, or suspected, in his official capacity, he shall be required to pay the same into court, within such time as may be limited for that purpose; and on his failure to comply with such requisition, it shall be recoverable from him, as well as from his surety, if he have given security on account of the office held by him, by the usual process of recovery, in execution of judgments of the civil courts.

The same course to be pursued, when public accounts may be withheld by native officers.

Fourth. A similar mode of proceeding shall be observed, when a native officer attached to any civil or criminal court of judicature, may withhold any public accounts which it is his duty to prepare and furnish, and the summary judgment in such cases, shall not only order the immediate delivery of the accounts withheld, but shall also impose such fine to Government as may appear just and proper, on consideration of all the circumstances of the case, and the situation of the party.

A summary appeal may be admitted by the provincial court from decisions passed in such cases by the *zillah* and city judges.

Fifth. Any person dissatisfied with the judgment of a *zillah* or city court, given under the provisions of this section, shall be at liberty to prefer a summary appeal thereupon under the rules applicable to such appeals, to the provincial court of the division; and provided sufficient security be given for performing the decree of the provincial court, on the appeal, the decision of the *zillah* or city court shall not be carried into execution till confirmed by the provincial court.

And by the Sudder Dewanny Adawlut from the decisions of provincial courts.

Sixth. In like manner if the original summary judgment be passed by a provincial court, a summary appeal, under the rules applicable to such appeals, shall lie to the court of Sudder Dewanny Adawlut; and the decree of the provincial court shall not be executed till it is affirmed by the Sudder Dewanny Adawlut; if sufficient security be given to perform the judgment of the latter court on the appeal.

Proviso.

Seventh. Provided however, with respect to all cases decided, in the first instance, by a *zillah* or city court, and afterwards determined on appeal by a provincial court, that no second appeal shall lie to the Sudder Dewanny Adawlut, except under the prescribed restrictions for second or special appeals, in regular suits.—Nor shall final summary judgments, given under the provisions of this section, be open to a further regular suit; but shall be held conclusive, upon the merits of all cases so adjudged.

A. D. 1821. REGULATION IV.

A REGULATION *for authorizing a Collector of Land Revenue, or other Officer employed in the Management or Superintendence of any Branch of the Territorial Revenues, to exercise, in certain Cases, the Powers of Magistrate, or joint Magistrate; and for authorizing a Magistrate, or joint Magistrate, or Assistant to a Magistrate, to exercise in certain Cases the Powers of a Collector of Land Revenue, or of any other Officer employed in the Management or Superintendence of any Branch of the Territorial Revenues. Also, for explaining the Duties of an Assistant to a Collector of Revenue, and for defining the Duties and Powers vested in Assistant Collectors or other Officers appointed to the Charge of the Revenues of Pergunnahs or other local Divisions, or employed in the Performance of any Portion of the Functions ordinarily belonging to Collectors of Land Revenue.*—PASSED *by the Governor General in Council, on the* 19*th January* 1821; *corresponding with the* 8*th Maug* 1227 *Bengal era; the* 1*st Maug* 1228 *Fussily; the* 9*th Maug* 1228 *Willaity; the* 1*st Maug* 1877 *Sumbut; and the* 14*th Rubbi-us-Sanee* 1236 *Higeree.*

Preamble.

WHEREAS it may be expedient to authorize a collector of land revenue or other officer employed in the management or superintendence of any branch of the territorial revenue, to exercise in certain cases the whole or any portion of the powers at present exercised respectively by a magistrate, or joint magistrate, or to vest the powers of a collector of revenue, or any portion thereof, in the hands of a magistrate or joint magistrate, or of an assistant to a magistrate, and whereas it is expedient to explain the duties which may be performed by the assistants to the collectors of revenue, and to define the duties and powers vested in assistant collectors or other officers when appointed to the charge of the revenues of *pergunnahs* or other local divisions, or when employed in the performance of any portion of the functions ordinarily belonging to collectors of the land revenue; the following rules have been enacted, to be in force from the date of their promulgation throughout the territories subject to the presidency of Fort William.

Governor General in Council declared competent to authorize a collector or other revenue officer to exercise the powers of a magistrate or joint magistrate, and to invest magistrates with the powers of a collector.

II. It shall be competent to the Governor General in Council to authorize a collector of revenue, or other officer employed in the management or superintendence of any branch of the territorial revenues, to exercise the whole or any portion of the powers and duties vested by the regulations in the magistrates or joint magistrates, or to employ a magistrate, joint magistrate, or an assistant to a magistrate in the collection of the public revenue, and to invest the person so employed with the whole or any portion of the powers of a collector of revenue, or of other officer employed in the management or superintendence of any branch of the territorial revenues.

Magistrates, &c. employed in the collection of the public revenue to take a prescribed oath.

III. *First.* If a person holding the office of magistrate, or joint magistrate, or assistant to a magistrate, shall be employed in the collection of the public revenue, he shall, previously to entering upon the execution of the duties of a collector, take and subscribe the oath prescribed by Section 25. and Section 26, Regulation V. 1804.

Second.

Collectors and other revenue officers appointed to the discharge of the duties of a magistrate, to take the prescribed oath.

Second. In like manner, if a person holding the office of collector of revenue, or of any other officer employed in the management or superintendence of any branch of the territorial revenues, shall be appointed to perform the duties of magistrate, or joint magistrate, he shall, previously to entering upon the execution of such office, take and subscribe the oath prescribed by Section 2, Regulation IX. 1793, and clause first, Section 3, Regulation XIII. 1793, with such verbal alterations only, as may be consonant to the nature of the appointment.

Magistrates, &c. employed in the collection of the public revenue to be guided by the orders of the Boards of Revenue and Commissioners, and by the rules and regulations of Government.

IV. *First.* If a person holding the office of magistrate, joint magistrate, or of assistant to a magistrate, shall be employed in the collection of the public revenue, he shall be guided in the execution of his duty as collector by the orders of the Board of Revenue, or the Board of Commissioners, and by the rules and regulations that have been, or may be enacted for the collection of the public revenue.

Collectors or other revenue officers, employed as magistrates, to be guided by the regulations and by the orders of the superior courts.

Second. If a person holding the office of collector of revenue, or otherwise employed in the management or superintendence of any branch of the territorial revenue, shall be appointed to perform the duties of magistrate, or joint magistrate, he shall be guided in the execution of those duties by the regulations which have been, or may be enacted for the guidance of those officers respectively, and by the orders of the superior courts of criminal judicature in all matters in which a controlling, or superintending power, is vested in those courts.

Magistrates, &c. employed in the collection of revenue, and revenue officers exercising the powers of a magistrate or joint magistrate, to preserve the records of their respective offices separate and distinct.

V. Every magistrate, or joint magistrate, or assistant to a magistrate, who may be employed in the collection of the revenue, and every collector or other officer employed in the management or collection of the territorial revenues, who may be authorized to exercise the powers of a magistrate or joint magistrate, under the provisions of this regulation, shall be careful to preserve the records of their judicial and revenue offices separate, and distinct from each other.

Such of the rules in forces as declare collectors amenable to *zillah* and city courts for acts done in opposition to the regulations applicable to magistrates employed in the collection of revenue.

VI. *First.* Such parts of the existing regulations as declare the collectors of revenue to be amenable to the *zillah* and city courts for any acts done by them in their official capacity, in opposition to the regulations, shall be held applicable to any magistrate, or joint magistrate, or assistant to a magistrate, who may be employed in the collection of the public revenue.

Proviso in the event of such officer being himself the judge of the *zillah* or city in which the act may have been committed.

Second. Provided always that if such individual shall, at the same time, hold the office of judge of the *zillah* or city in which the act in question may have beem committed, such act shall not be cognizable by the *zillah* or city court, but by the provincial court of the division in which such *zillah* or city may be included.

In the institution of a suit in a *zillah* or city court, a magistrate employed in the collection of revenue, not being himself in the charge of the office of judge, shall proceed according to the regulations enacted for the guidance of collectors.

VII. In the institution of suits for the recovery of the public revenue, or in any case in which the institution of a suit by the collector in the *zillah* or city courts is authorized, or directed by the regulations, a magistrate or joint magistrate, or assistant to a magistrate, employed in the collection of the revenue, not being himself in charge of the office of judge of a *zillah* or city court, shall proceed according to the regulations already in force for the guidance of the collectors under similar circumstances.

Governor General in Council competent to cause such alterations in the limits of the several collectorships, and in the number of officers employed as collectors, as may from time to time appear expedient

VIII. *First.* It is hereby declared and enacted, that it is and shall be lawful for the Governor General in Council to cause such alterations to be made in the limits of the several collectorships, and in the number of the officers employed as collectors of land revenue, as may from time to time appear expedient, as well as to vest such officers, being covenanted servants of the Honorable Company, with authority to exercise the whole or any part of the functions ordinarily exercised by collectors of land revenue in such *mohaul* or *mohauls* belonging to such district or districts as may from time to time be deemed expedient: and any officers so employed shall perform their prescribed duties in the same manner and subject to the same conditions and liabilities as attach to collectors of land revenue in regard to such duties.

Board of Revenue and Commissioners empowered to depute officers subordinate to them to exercise the powers of collectors within such local limits as they may judge expedient.

Second. It shall also be competent to the Board of Revenue, or other authority exercising the powers of that Board, to depute any of the officers subordinate to their authority, to exercise and perform all or any of the powers and duties ordinarily vested in collectors of land revenue within such local limits as they may judge expedient; provided however that in all such cases the Board, or other authority aforesaid, shall, on the day in which they may depute any officer as aforesaid, or as soon after as practicable, report their having done so for the information and orders of the Governor General in Council.

Third.

Third. The collectors of revenue are hereby authorized with the sanction of the Board of Revenue, or the Board of Commissioners, to delegate to their assistants any part of their prescribed duties, which from the extent of their general business, or other cause, they may be unable to give due attention to themselves; provided always, that in the event of a collector deputing his assistant to make local inquiries, or for any other purpose connected with the collection of the public revenue, he shall immediately report the same for the information and orders of the Board of Revenue, or Board of Commissioners to which he may be subordinate.

Proviso, requiring a report of their having done so.

Collectors authorized, with the sanction of the Boards, to delegate to their assistants any part of their duties to which they may be unable to give due attention.

Proviso, in the event of a collector deputing his assistant.

Fourth. Previously to entering upon the duties of his office, an assistant to a collector shall take and subscribe an oath corresponding with that prescribed by Section 25, and Section 26, Regulation V. 1804, for servants of the Company employed in the management and collection of the public revenue.

And assistant to a collector to take the oath prescribed in Sections 25, and 26, Regulation V. 1804, previously to entering on his duties.

Fifth. Assistants or other officers exercising the powers of collectors of revenue, or any portion thereof, under the provisions of this regulation, shall be guided in every respect by the regulations which have been, or may be enacted for the management and collection of the revenue, as far as the same may be applicable to the duties committed to them respectively, and shall be considered responsible for the due performance of the duties entrusted to them; and shall be amenable to the civil courts of judicature for any acts done by them in their official capacity, in opposition to the regulations, in the same manner, and under the same rules, as the collectors of revenue.

Assistants or other officers exercising the powers of collectors to be guided by the regulations, and to be responsible for the performance of their duties, and amenable to civil courts.

A. D. 1823. REGULATION VII.

A REGULATION *for prohibiting Loans by covenanted civil Servants from Persons subject to their official Authority and Influence.*—PASSED *by the Governor General in Council, on the* 30*th October* 1823; *corresponding with the* 15*th Kautic* 1230 *Bengal era; the* 11*th Kautic* 1231 *Fussily; the* 16*th Kautic* 1231 *Willaity; the* 11*th Kautic* 1880 *Sumbut; and the* 24*th Suffer* 1239 *Higeree.*

Preamble.

WHEREAS by the existing regulations all covenanted civil servants of the Company employed in the judicial and revenue departments of the service, are prohibited from lending money, directly or indirectly, to any proprietor, or farmer of land, dependant *talookdar*, under-farmer, or *ryot*, or their sureties: and whereas it is equally necessary to prohibit the public officers from borrowing money from persons subject to their official authority and influence; the following rules have been enacted by the Governor General in Council, and are to be in force, from the date of their promulgation, throughout the provinces immediately subject to this presidency.

Civil servants in every department prohibited from borrowing money from the native officers under their authority, and the connections of such officers;

II. *First.* All covenanted civil servants, in whatever department of the public service hey may be employed, are henceforward prohibited, under pain of dismissal from office, from borrowing money from, or in any way incurring debt to, any native officer under their authority, or under the authority of any of their subordinate functionaries, or from or to the known surety, agent, relation, connection, or dependant of any such native officer, or from or to any person of whom such native officer may be known to be or to have been the servant, agent, surety, or dependant.

And from other persons officially accountable to them.

Second. In like manner and under the like penalty, all officers of Government, being covenanted civil servants, are henceforward prohibited from borrowing money from, or in any way incurring debt to any manager, guardian, executor, *ameen*, *sezawul*, *gomashtah*, farmer, *motuwullee*, or other person who may in any way be officially accountable to them, or from and to the known surety, agent, relation, connection, or dependant of such person.

Provisions of Regulation XXI. 1814, extended to civil officers in the commercial department, as well as to all other officers being covenanted civil servants.

Third. Section 4, Regulation XXI. 1814, is hereby rescinded; and the provisions of Sections 2. and 3. of that regulation, shall henceforward be held applicable to commercial residents and commercial agents, as well as to all other officers of Government being covenanted civil servants.

Certain officers prohibited from incurring debt to *zemindars* and others, residing in, or having property within their districts.

III. All judges of *zillah* and city courts, all magistrates, joint magistrates, registers, and assistants to magistrates, all collectors and deputy collectors of the land revenue, all assistants to such collectors or other officers exercising the powers of such collector, are prohibited, under pain of dismissal from office, from borrowing money from, or in any way incurring debt to any *zemindar*, *talookdar*, *ryot*, or other person possessing real property, or residing in, or having a commercial establishment within the city, district, or division to which their authority may extend.

Prohibition against lending money to civil

IV. All persons are prohibited from lending money, or otherwise becoming in any way creditor to any officer of Government, being a covenanted civil servant, in contravention

servants, contrary to the above rules.

tion of the above rules: and any person lending money, or in any way becoming creditor to any such public officer in breach of this prohibition, shall forfeit to Government a sum equal to the amount for which he shall have so illegally become creditor.

Penalty for a breach of this prohibition.

Officers in debt contrary to the above rules, to report the fact at the expiration of one year.

Penalty for omitting so to report.

V. If any officer of Government now in debt shall, at the expiration of one year from the promulgation of this regulation, be still indebted to any person from whom it would at such period be illegal for him to borrow under the above rules, it shall be incumbent on such officer to make known the circumstance to the Governor General in Council; and in the event of intimation not being so given, the same penalty shall attach to the said officer, as if the debt had been incurred subsequently to the promulgation of this regulation.

Officers receiving new appointments, if indebted to individuals, contrary to the above rules, to report.

Penalty for omitting to report.

VI. In like manner, if any covenanted servant who may be hereafter appointed to any office, shall at the time of such appointment, be indebted to any person with whom it would be illegal for him to contract a loan, while holding such office, it shall be incumbent on such servant, before entering on the duties of the office, to make known the circumstance to the Governor General in Council; and failing to do so, he shall be subject to the same penalty, as if the debt had been contracted subsequently to his being appointed to the said office.

Penalty on natives, knowingly taking office in contravention of the above rules.

VII. Any native causing himself to be appointed to any office in opposition to the provisions of Regulation XXI. 1814, as hereinbefore extended, or in any way knowingly accepting office in contravention thereof, shall forfeit to Government a sum equal to ten times the yearly salary or allowances attached to the situation, to which he may be appointed.

Penalties to be enforced by prosecution at the suit of Government.

VIII. Suits for the recovery of penalties incurred under this regulation, shall and may be instituted under the special instructions of the Governor General in Council, and shall be conducted by the superintendent and remembrancer of legal affairs, or by such other officer as Government may nominate for that purpose: such suits shall be instituted in the provincial court of the division, within which the transaction may have taken place, or the lender may reside, or may possess real or personal property. An appeal shall lie from judgments passed in such cases, in like manner as from other judgments passed in original suits by the provincial courts, and the judgments shall be enforced under the provisions of the regulations for the execution of other decrees of the civil courts.

A. D. 1825. REGULATION V.

A REGULATION *for removing certain Doubts as to the Legality of a Union of the Powers of Judge and Collector in the same Individual.*—PASSED *by the Governor General in Council, on the 4th April* 1825; *corresponding with the* 23d *Chyte* 1231 *Bengal era; the* 1st *Bysaak* 1232 *Fussily; the* 24th *Chyte* 1232 *Willaity; the* 1st *Bysaak* 1882 *Sumbut; and the* 14th *Shabaan* 1240 *Higeree.*

Preamble.

WHEREAS it has occasionally been found necessary to place the charge of collectorships or of portions of collectorships in the hands of *zillah* and city judges or of registers of the civil courts, and it may from time to time be hereafter found necessary to depute or employ officers vested with the united powers of judge and collector in the administration of the affairs of particular districts, or in the adjustment of boundaries, or in the settlement of tracts occupied by peculiar tribes or classes of people, or in the execution of other special measures: and whereas doubts have arisen as to the legality of such a union of authority, the Governor General in Council, with a view of removing such doubts, has been pleased to declare and to enact as follows.

The official acts of all public officers who, under competent authority, have heretofore exercised the united powers of judge and collector, or register and collector, declared to be legal and valid.

II. It is hereby declared, that the official acts of all public officers who may have exercised under the sanction and authority of Government, or under the provisions of Regulation IV. 1821, the united powers of judge and collector, or of register and collector, shall be deemed and held to be and to have been to all intents and purposes as legal and valid as they would have been, had they been performed by officers holding respectively the office of judge or register only, or the office of collector only.

Power reserved to the Governor General in Council, to vest the whole or any portion of the jurisdiction of a judge or a collector of revenue, in the hands of the same officer.

III. *First.* It shall be competent to the Governor General in Council to vest the whole or any portion of the jurisdiction and powers of a civil judge and of a collector of revenue in the hands of the same officer, whenever and so long as such an arrangement may, for special purposes, appear expedient.

Proviso, precluding a judge in such cases from trying claims preferred by individuals for acts done by him in his capacity of collector.

Such claims to be cognizable by the provincial court of the division under the rules in force.

Second. Provided that in all such cases, the judge shall be precluded from trying and determining in his civil court, any claims which may be preferred by individuals for acts done by him in his official capacity of collector; but such claims shall, as already provided for by the second clause of Section 6, Regulation IV. 1821, be cognizable in the provincial court of the division, and not in the *zillah* or city court.

A. D. 1825. REGULATION VIII.

A REGULATION *to make further Provision for the Employment of native Officers in the judicial Department; and to provide for the Punishment of false and malicious Charges against the European Officers of Government.*—PASSED *by the Governor General in Council, on the 5th May 1825; corresponding with the 24th Bysaak 1232 Bengal era; the 3d Jeyte 1232 Fussily; the 25th Bysaak 1232 Willaity; the 3d Jeyte 1882 Sumbut; and the 16th Ramzaun 1240 Higeree.*

Preamble.

WHEREAS the rules contained in Regulations II. 1793, V. 1795, and XXV. 1803, whereby the collectors are prohibited from employing their private servants, or any persons except public and registered officers, in the discharge of any part of their public duties, as well as from conferring on their public officers any private trust relating to their personal concerns, have not been specifically enacted, by any regulation in force, for the guidance of the public officers in the judicial department, although the spirit of them is obviously applicable to the rules enacted in Regulations V. 1804, and VIII. 1809, for the appointment of the native officers employed in that department: and whereas the rules in force for receiving and proceeding upon charges of a serious nature against the European public officers, contain no provision similar to the enactment in Section 5, Regulation VII. 1811, respecting malicious and unfounded charges preferred in the *zillah* or city courts, when the accusation or information against a European officer of Government may be found on investigation to be manifestly groundless and malicious: with a view therefore to supply what is wanting in the existing regulations on the points above noticed, the Governor General in Council has enacted the following rules, to be in force, as soon as promulgated, throughout all the provinces immediately subject to the presidency of Fort William.

All officers in the judicial department prohibited, under penalty of dismissal from office, from employing their private servants in the execution of any public duty.

II. *First.* The whole of the officers of Government, employed in the judicial department, civil or criminal, are prohibited, under penalty of dismissal from office, from employing, directly or indirectly, their private servants of whatever description, or any other persons, not being public officers duly appointed or nominated in conformity with the rules in force relative to such appointments, in the discharge of any part of their public duties, or in the execution of any public duty, in which the person so employed, may not have been duly authorized to act.

And from employing any public officers on their establishment, (not being *peons* or other inferior servants,) in the execution of any part of their private business, or private trust relating to their personal concerns.

Second. The whole of the judicial officers are, in like manner and under the same penalty, prohibited from employing any of the public officers on their establishments, (not being *peons*, or other inferior servants, in personal attendance upon a judge, magistrate, or other officer of Government in the judicial department,) in the performance of any part of their private business, or in the execution of any private trust relating to their personal concerns.

Any native officers in the judicial department, who may be disqualified from public employment,

III. If any of the native officers, now on the establishment of any officer of Government in the judicial department, shall be disqualified from continuing to hold the office now held by him, under the prohibitions contained in the preceding section, he shall be immediately removed from such office, and a successor appointed to it, according to the rules

under the prohibitions referred to in the preceding section, to be immediately removed from office.

rules prescribed in the existing regulations. Any neglect of this requisition will subject the party committing it to the same penalty as that provided for in the foregoing section.

Any neglect of the above requisition will subject the party to the same penalty as that specified in the preceding section.

In all future nominations of native officers, the judges and magistrates are to state to the provincial courts, that the person so nominated is not disqualified under the provisions of the present regulation.

Duty of the provincial courts to enforce the due observance of the above rules, and to report to the courts of Sudder Dewanny Adawlut and Nizamut Adawlut, any wilful infringement of them.

IV. In all future nominations of native officers by the judges and magistrates, or other judicial officers, which may be submitted to the provincial courts of appeal and circuit, under the provisions of Regulation IX. 1809, or of any other regulation in force, the judge, magistrate, or other officer making such nomination, is required to state explicitly, in addition to the information called for by the existing rules, that the person so nominated is not disqualified under the provisions of the present regulation; and it will, at all times, be the duty of the provincial courts to see that these provisions are observed; as well as to report any wilful infringement of them to the court of Sudder Dewanny or Nizamut Adawlut for the information and orders of Government.

The court of Sudder Dewanny Adawlut, and Boards or other authority, declared competent to punish, after due investigation, persons preferring unfounded and malicious charges against European officers.

V. *First.* Whenever an accusation or information of a serious nature against a European public officer, which may have been preferred and proceeded upon, in conformity with the provisions of Regulation XVII. 1813, or of any other regulation in force, shall be found on investigation to be manifestly unfounded and malicious, it shall be competent to the court of Sudder Dewanny Adawlut, Board of Revenue, Board of Trade, or other controlling authority passing a final judgment or order in the case, to punish the accuser, or informer, who may have preferred such groundless and malicious charge, or information, by imprisonment in the civil or criminal jail with or without labour and irons for a period not exceeding six months, with a fine not exceeding five hundred rupees, commutable, if not paid, to a further period of imprisonment not exceeding six months; so that the entire period of imprisonment shall in no instance exceed one year.

The court of Sudder Dewanny Adawlut to issue the necessary instructions to the proper officer for the execution of orders passed under the above clause.

Similar orders of the Board of Revenue and Board of Trade or other authority, how to be executed

Second. Whenever fine and imprisonment or either may be ordered under the above clause, by the court of Sudder Dewanny Adawlut, it will of course, be competent to that court to issue the necessary instruction for the execution of the order so passed to the proper officer. In all other cases; viz. whenever the order may be passed by the Board of Revenue, Board of Trade, or any other controlling authority, acting under the provisions of Regulation XVII. 1813, Regulation VIII. 1817, or any other regulation in force, an authenticated copy of the order shall be transmitted to the register of the Sudder Dewanny Adawlut, with a request that the necessary measures for carrying the same into effect may be taken by that court, who will thereupon issue the requisite instructions for that purpose, in like manner as if the order had been passed by the Sudder Dewanny Adawlut.

In what manner persons preferring, on oath, false and malicious charges against European public officers, may be proceeded against.

VI. In cases of an atrocious nature, wherein the accuser or informer may have been manifestly guilty of wilfuly preferring a false and malicious charge of a serious nature, on oath, and it may appear necessary for the ends of justice, on due consideration of all the circumstances of the case, that instead of being subjected to a fine and imprisoment under the provisions of the foregoing section, he should be criminally prosecuted on a charge of perjury, the proceedings held in the case shall be transmitted by order of the controlling authority to the court of Nizamut Adawlut, which court, if it shall be of opinion that there are sufficient grounds for a criminal prosecution, will issue the necessary instructions for the same to be conducted by the *vakeel* of Government before the court of circuit, to which the offender may be amenable, or in which it may appear proper to bring him to trial.

A. D.

A. D. 1825. REGULATION XVIII.

A REGULATION *for annexing the Settlement of Chinsurah, and other Territories, ceded to the British Government by the Government of the Netherlands, to the Zillah and City Jurisdictions most contiguous thereto; and to provide for the future Administration of the said Territories.*—PASSED *by the Governor General in Council, on the 25th August* 1825; *corresponding with the* 11*th Bhadoon* 1232 *Bengal era; the* 27*th Sawun* 1232 *Fussily; the* 12*th Bhadoon* 1232 *Willaity; the* 12*th Sawun* 1882 *Sumbut; and the* 10*th Mohurrem* 1241 *Higeree.*

WHEREAS in pursuance of a treaty concluded between the British and Netherlands Governments, on the 17th day of March 1824, the settlement of Chinsurah, and territory appertaining thereto, as well as the factories and lands held by the Netherlands authorities at Calcapore, Dacca, Fulta, Patna, and Balasore, in the provinces of Bengal, Behar, and Orissa, have been ceded in perpetuity to the British Government: and whereas it is necessary, in consequence, to make provision for the future administration of the said settlement and territories, and for annexing the same to the most contiguous *zillah* and city jurisdictions; the Governor General in Council has accordingly enacted the following rules, to be in force from the time of their promulgation. Preamble.

II. *First.* The town and settlement of Chinsurah shall be annexed to and included in the *zillah* of Hooghly. Settlement of Chinsurah annexed to *zillah* Hooghly.

Second. The late Dutch factories at Calcapore and Dacca, and the lands appertaining to them, shall be annexed to the city jurisdictions of Moorshedabad and Dacca respectively; those at Fulta and Balasore, shall be annexed to the *zillah* jurisdictions of the Twenty-four Pergunnahs and Cuttack respectively; and the late Dutch factory at Patna, and the lands appertaining to it, shall be annexed to the jurisdiction of the city of Patna. The Dutch factories at Calcapore and at other places, annexed to the *zillah* and city jurisdictions within which they are situated.

III. Subject to the provisions contained in this regulation, the rules for the administration of civil and criminal justice, and the police, in the provinces of Bengal, Behar, and Orissa, as well as those for the collection of the land revenue, customs, *abkaree*, and stamp revenues, and generally the whole of the regulations in force for the internal administration of the provinces abovementioned, (the special rules for Cuttack only excepted,) are hereby declared to be in full force and effect in the settlement and territories specified in the preceding section, from the date of the promulgation of this regulation. The administration of civil and criminal justice, and the collection of revenue in the above settlement and territories, to be conducted under the regulations in force.

IV. *First.* It shall be competent to the Governor General in Council, to refer to the court of Sudder Dewanny Adawlut, and that court is hereby authorized to hear and determine, any appeals from decisions already passed by the European court of civil justice at Chinsurah, which have been referred for final decision to the Dutch superior court at Batavia, but have not been decided by that court. Appeals from decisions already passed at Chinsurah, and which have been referred to the court at Batavia, but not decided there, how to be tried.

Second. It shall further be competent to the court of Sudder Dewanny Adawlut, to receive and determine any appeals from decisions in civil suits, which may have been decided by the European court at Chinsurah, before the cession of that settlement to the British Government, and which were appealable to the superior court at Batavia; but Appeals to be received in certain other cases by the court of Sudder Dewanny Adawlut from decisions passed before the cession.

but the appeals in which had not been preferred, or, if preferred, the proceedings in which had not been referred to the Batavia court. Provided, with respect to all appeals not actually preferred and admitted before the cession, that they shall not be admitted by the court of Sudder Dewanny Adawlut, without good and sufficient cause being shown for the delay.

The decisions of the court in such cases, to be regulated by the laws and usages, which governed the decisions of the European court of justice at Chinsurah.

Third. Provided also, that the laws and usages which governed the decisions of the European court of justice at Chinsurah, shall govern the decisions of the court of Sudder Dewanny Adawlut in all appeals which may be tried and decided by that court under the provisions of this section.

Appeals referrible by the court of Sudder Dewanny Adawlut to the provincial court of Calcutta for decision.

Fourth. If the amount or value in any of the appealed cases referred to in the second clause of this section, shall not exceed the amount which under Regulation XVI. 1797, renders a cause appealable to the king in council; viz. 43,103 rupees, the court of Sudder Dewanny Adawlut is authorized in such cases to direct the Calcutta provincial court of appeal to try and decide the same, subject to the provisions contained in the third clause of this section; and the decision of the provincial court shall be final, unless a special appeal be admissible to the Sudder Dewanny Adawlut, under the rules in force for second, or special appeals.

Rules for preferring appeals in civil suits, determined after the promulgation of the present regulation.

Fifth. In all civil suits determined after the promulgation of this regulation, the general rules in force for appeals to the provincial courts and court of Sudder Dewanny Adawlut will, of course, be applicable, as well as those which authorize an appeal to the *zillah* or city court, if the original decision have been passed by a register, *sudder ameen*, or *moonsiff*.

The civil courts prohibited from entertaining any claims or suits, which may have been formerly decided by competent authority.

V. The civil courts of judicature are prohibited from entertaining any claim or suit which, from the production of a former decree, or from the records of court, shall appear to have been finally heard and determined by any former judge, or superintendent of any court of competent jurisdiction. If any doubt should arise respecting the competency of the former jurisdiction, the case shall be reported for the instructions of the Governor General in Council, whose determination upon this point shall be conclusive.

Deeds regularly executed to be received in evidence by the civil courts.

VI All deeds of whatever denomination, whether written on stampt paper or otherwise, that may have been regularly and legally executed, according to the Dutch law or established local usage previously to the promulgation of this regulation, are hereby declared to be valid, and the several courts of civil judicature are empowered and directed to admit such deeds in evidence; and in any judicial proceedings that may be held on such documents, the courts are to be governed by the law and usage, under which the same were prepared and executed.

The decision of civil suits regarding succession, inheritance, marriage, and special contract, to be governed by the laws and usages of the parties.

VII. In the decision of all civil suits regarding succession, inheritance, marriage, and special contract, in which the parties may be Europeans, heretofore subject to the Netherland authorities, or their descendants, and as well as generally in all cases where the parties may be Europeans, or foreigners of any description, or their descendants, the courts shall be guided, as far as practicable, by the spirit of the rule prescribed in Section 15, Regulation IV. 1793; which directs, that "in suits regarding succession, inheritance, marriage, and cast, and all religious usages and institutions, the Mahommedan laws with respect to Mahommedans, and the Hindoo laws with regard to Hindoos, are to be considered the general rules by which the judges are to form their decisions."

Offences committed before the promulgation of the present regulation, how to be punished.

VIII. In all criminal trials for offences committed before the promulgation of this regulation, whenever it may appear that the punishment of the offence under the provisions of this regulation would be more severe than the punishment prescribed for the same offence under the laws in force, when the settlement and territories referred to in this regulation came into the possession of the British Government, the punishment to be adjudged against the prisoner shall be regulated by the law which was in use, when the said territories came into the possession of the British Government.

Appointment of a Dutch law officer or fiscal, and his duties.

IX. *First.* An officer to be denominated "the Dutch law officer or fiscal," shall be appointed by the Governor General in Council on the establishment of the judge of *zillah* Hooghly; and it shall be his duty to expound the laws and usages of the settlement of

Chinsurah,

Chinsurah, and its late dependencies, in all cases that may be submitted to him, either by the civil or criminal courts.

Second. It shall be the further duty of the fiscal to furnish translations of all papers filed in the Dutch language, and to interpret them truly to the respective courts, as well as generally to perform such other duties as may be specially assigned to him by the local judge or magistrate.

The fiscal to furnish translation of all Dutch papers.

Third. Provided always, that the particular law, custom, or usage, which may have influenced the final judgment of the court, shall be specifically stated or referred to in the decree, sentence, or order, affected thereby, and the fiscal's written opinion shall remain attached to and be constantly kept with the record of the case.

Written opinion of the fiscal to be put upon record.

Fourth. The fiscal, or Dutch law officer, shall moreover, by virtue of his office, be deemed a *sudder ameen*, with the full powers invested in judicial officers of that description by Regulations II. and III. 1821, within the town and settlement of Chinsurah; in this capacity he shall be employed in the trial and decision of any suits, or cases, civil or criminal, that may, under the general regulations, be referred to him, as *sudder ameen*, by the *zillah* judge, or magistrate, respectively; and shall be governed in the trial and decision of such cases by the rules and regulations which are or may be in force for the guidance of *sudder ameens.*

The fiscal to be also a *sudder ameen*, with civil and criminal powers.

X. The provisions of Regulation II. 1820, as far as they relate to the settlement of Chinsurah, are hereby rescinded.

Parts of Regulation II. 1820, relative to Chinsurah, rescinded.

A. D. 1825. REGULATION XIX.

A REGULATION *to prescribe the Manner in which His Highness the Nazim of Bengal shall sue, or be sued in the Courts of civil Judicature.*—PASSED *by the Governor General in Council, on the* 29*th September* 1825; *corresponding with the* 15*th Assin* 1232 *Bengal era; the* 2*d Assin* 1233 *Fussily; the* 16*th Assin* 1233 *Willaity; the* 2*d Assin* 1882 *Sumbut; and the* 15*th Suffer* 1240 *Higeree.*

Preamble.

WHEREAS the existing regulations do not sufficiently provide for the manner in which His Highness the *Nazim* of Bengal shall claim or defend his rights in the courts of civil judicature, the following rules have been enacted, to be in force from the period of their promulgation.

The agent to the Governor General at Moorshedabad may institute suits in the civil courts, on the part of the Nazim of Bengal.

II. It shall be competent to the agent to the Governor General at Moorshedabad, or other officer, however denominated, exercising for the time being the control and superintendance of the affairs of the Nizamut on the part of the Governor General in Council, to institute suits in the courts of civil judicature on the part of his Highness the Nazim of Bengal, and to conduct them as plaintiff or appellant in such manner as may appear proper.

When suits may be instituted against the Nazim, the notice is to be served on the agent, who will defend them.

III. In like manner, should any suit be instituted in any court of civil judicature against His Highness the Nazim of Bengal, the ordinary notice shall be issued upon the agent to the Governor General, or other officer aforesaid, who shall conduct the defence on the part of His Highness.

The Nazim and the agent to the Government exempted from furnishing security, and from process of attachment.

Order and decrees of the civil courts in such suits, how to be executed.

IV. Provided always, that security shall not be required from, nor shall attachment in any case issue against His Highness, or against the agent to the Governor General, or other officer aforesaid; but should the court require the payment of any costs, damages, or other sums of money, or the delivery of any lands, and after order duly made and served on the agent, any unreasonable delay should arise, it shall be competent to the court to transmit a copy and translation of the decree or order to the secretary to Government in the Persian department, when the Governor General in Council will issue such orders as may be necessary for the discharge of the amount due.

A. D. 1825. REGULATION XX.

A REGULATION *for declaring the Jurisdiction of the Military Courts Martial and Courts of Requests, constituted by a recent Act of Parliament, and for modifying some Parts of the existing Regulations in conformity thereto.*—PASSED *by the Governor General in Council, on the 3d November* 1825, *corresponding with the* 19*th Kautick* 1232 *Bengal era ;* 8*th Kautick* 1233 *Fussily ; the* 20*th Kautick* 1233 *Willaity ; the* 7*th Kautick* 1882 *Sumbut ; and the* 21*st Rubee-ul-uwal* 1241 *Higeree.*

Preamble.

BY an act of parliament passed in the 4th year of the reign of his present Majesty King George the Fourth, entitled " An act to consolidate and amend the laws for punishing mutiny and desertion of officers and soldiers in the service of the East India Company," provision is made for the trial by courts martial of European British subjects, either actually serving as officers or soldiers, or otherwise attached to the army, when accused of murder, rape, robbery, theft, and other offences committed in a foreign territory, or at any place within the territories subject to the presidency of Fort William, situate at a greater distance from that presidency than 120 miles, as well as for investing military courts of requests, constituted according to the provision of the aforesaid act, with the cognizance of actions of debt, and all personal actions, to an amount not exceeding 400 Rs. against any British commissioned or non-commissioned officer, or soldier, or other persons amenable to the provisions of the act, at places situated beyond the jurisdiction of the court of requests in Calcutta: it has, in consequence, become necessary to rescind or modify certain parts of the regulations in force, which relate to the apprehension or trial of British subjects accused of criminal offences, and to the cognizance of petty offences and actions of debt by a military tribunal; the following rules have been accordingly enacted, to be in force, from the date of their promulgation, throughout the territories subject to the presidency of Fort William.

European British subjects, being persons attached to the army serving within certain limits, when apprehended by magistrates on charges of a criminal nature, to be delivered over to the commanding officer of the corps to which they may belong.

II. *First.* In modification of the rules contained in Regulation II. 1796, Section 19, Regulation VI. 1803, and Regulation XV. 1806, it is hereby provided, that if any European British subject, who shall be apprehended by, or brought before, a magistrate on a charge of murder, rape, robbery, theft, or other criminal offence, shall be found, on his apprehension, to have been, at the time when the offence laid to his charge may have been committed, a commissioned or non-commissioned officer, or soldier, serving with any body of troops in the service of his Majesty, or of the Honorable East India Company, at any place not within the territories subject to the presidency of Fort William, or at any place within such territories, which may be situated above 120 miles from the aforesaid presidency, or to have been, when the offence was committed, a person attached to such body of troops in any of the capacities specified in Sections 45 and 50, of Statute IVth. Geo. IVth. Cap. LXXXI. it shall be the duty of the magistrate, by whom such person so accused may be apprehended, instead of proceeding to hear evidence to the charge, as directed in such cases in the regulations above-mentioned, to deliver over such person so charged, together with a statement of the charge brought against him, to the commanding officer of the

the regiment, corps, or detachment, to which such accused person shall belong, or to the commanding officer of the nearest military station, for the purpose of his being brought to trial before a court martial, under the provisions of the said act of parliament.

Magistrates, on application made to them by a commanding officer, to assist in the apprehension of all persons amenable to trial by court martial, when accused of criminal offences.

Second. It shall further be the duty of every magistrate, on a written application being made to him for that purpose by the commanding officer of any regiment, corps, or detachment stationed or employed as specified in the preceding clause, to use his utmost endeavour for the apprehension of any British officer, non-commissioned officer, soldier, or other person of the description therein alluded to, who may have been charged with the crime of murder, rape, robbery, theft, or other criminal offence, and also to give his assistance and that of the officers under his control in securing the person so accused.

Magistrates required to enforce processes for attendance of witnesses, &c. before courts martial, on application made to them.

Third. It is hereby declared, that it shall be competent to the judge advocate general or deputy judge advocate, or other person appointed to conduct the proceedings of any court martial, assembled for the trial of offences under the provisions of the said act of parliament, to transmit to the magistrate of the *zillah* or city, within whose jurisdiction persons whose attendance before such court martial is required may reside, any warrant, summons, or other process for the attendance of such person; and it shall be the duty of such magistrate, who may be so applied to, to give his assistance and that of the officers under him in the due execution of such process, and generally to aid and assist in the execution of all processes issued by such courts martial.

Magistrates prohibited from inquiring into charges of a criminal nature preferred against British subjects, when attached to the army within certain limits, and who may have been already tried by a court martial for the same.

Proviso for cases in which the magistrate shall have duly ascertained that the accused neither has been nor will be tried by a court martial.

Fourth. The several *zillah* and city magistrates are hereby prohibited from receiving, and inquiring into any criminal charge of the nature described in Section 2, of Statute IVth. Geo. IVth. Cap. LXXXI, which may be preferred to them against any British commissioned or non-commissioned officer, soldier, or other person attached to the army, who may have been regularly brought to trial under the provisions of the said act, and acquitted or convicted by the sentence of a court martial of such offence: provided however, that in any case, wherein it may be ascertained by the magistrate, on due inquiry, that any person accused of such criminal offence, who may be subject to trial by court martial, has not been brought to trial for such offence before a court martial, and that no effectual proceedings have been taken, or have been ordered to be taken against him, then and in that case it shall be the duty of the magistrate to report the circumstance for the information and orders of the Governor General in Council; who, if it appear to him proper so to do, will direct the case to be proceeded upon in the ordinary course of law; and the magistrate, if so authorized, shall be competent to proceed against the offender, under the provisions of the regulations hitherto in force.

Magistrates will proceed as heretofore against British subjects accused of criminal offences, when such persons are not attached to the army or amenable to trial by court martial.

Fifth. Provided always, and it is hereby declared, that nothing contained in the foregoing clauses shall be held to restrict the magistrates of districts, either in their ordinary capacity of magistrates, or as his Majesty's justices of the peace duly qualified, from proceeding under the rules heretofore in force against all British subjects charged with criminal offences, who may not be attached to the army, or subject to be tried for such offences by a court martial.

These provisions not to apply to troops in Fort William, or stationed at any other place which is not situated above 120 miles from the presidency.

Sixth. It is hereby further declared, that the provisions of this regulation, as far as the same relate to criminal offences committed by any commissioned or non-commissioned officer, soldier, or other person attached to the army, being British subjects, shall not be held to apply or be in force, when such offences shall be committed by persons of the above description attached to any body of troops which may be stationed in the garrison of Fort William, or at Barrackpore, Midnapore, Dum-Dum, or at any other place, within the territories under the presidency of Fort William, which may not be situated at a greater distance than 120 miles from the said presidency; and in all such places, the powers and authorities vested by law in the magistrates and justices of the peace shall continue to be and remain in full force and effect.

Provisions of Regulation XX. 1810, or other regulations in force, declared not applicable to debts due from British subjects attached to the army.

III. *First.* Such parts of Regulation XX. 1810, or of any other regulation in force, as provide for the cognizance by a military tribunal of actions of debt, and all personal actions not exceeding in value or amount the sum of 200 rupees, are hereby declared not to be applicable to cases of debt, or other personal actions, in which the party sued may be a British subject attached to the army within the descriptions of persons specified in Section

tion 57, of Statute IVth. Geo. IVth. Cap. LXXXI, by which amongst other things it is enacted, that in all places where the said Company's forces now are or may be employed, or where any body of his Majesty's forces may be serving with the forces of the said Company, situate beyond the jurisdiction of the court of requests at the city of Calcutta, actions of debt, and all personal actions against such officers, non-commissioned officers, or soldiers, all persons licensed to act as sutlers to any corps or detachment or at any station or cantonment, or other persons amenable to the provisions of this act, or resident within the limits of a military cantonment, shall be cognizable before a court of requests composed of military officers, and not elsewhere; provided the value in question shall not exceed 400 sicca rupees, and that the defendant was a person of the above description when the cause of action arose.

Such debts and actions provided for by Section 57, of Statute IV. Geo. IV. Cap. LXXXI.

Second. The power given to the magistrates of districts, by Section 106, of Statute LIII. Geo. IIId. Cap. CLV. to take cognizance of debts not exceeding 50 Rs. alleged to be due from British subjects to natives of India, and to pass a summary decision on the same, in so far as regards claims on officers or soldiers being European British subjects, is also repealed by the Section 57, of Statute IVth. Geo. IVth. Cap. LXXXI.

Certain powers heretofore vested in the magistrates, in the cognizance of debts due by British subjects, declared to be no longer in force.

Third. Officers and soldiers being European British subjects will still be subject to the jurisdiction of the local courts of civil justice, under the provisions of Section 107, of Statute LIII. Geo. IIId. Cap. CLV. except in actions of debt and personal actions not exceeding 400 rupees in value or amount.

British subjects attached to the army, declared still amenable to local courts for debts exceeding 400 Rs.

Fourth. The provisions of Section 22, Regulation XX. 1810, will still remain in force, so far as they relate to actions of debt and personal actions against officers, soldiers, and retainers of the description therein specified or referred to, not being European British subjects within the provisions referred to in the first clause of this section.

To what extent the provisions of Sections 2, Regulation XX. 1810, will still remain in force.

IV. Whenever a witness in attendance before a general court martial or other military court duly authorized to administer an oath, shall refuse to be sworn, and the court shall be of opinion, that the testimony of such witness is essential, and that there is no sufficient reason to exempt him from taking the oath, the judge advocate general or other officer conducting the proceedings of the court, shall be authorized to forward such witness with a written statement to the *zillah* or city magistrate or joint magistrate, within whose jurisdiction the court may be held, and the magistrate or joint magistrate is hereby directed to make such inquiries into the case as may satisfy him, that the witness ought or ought not to be exempted from taking an oath under the provisions of Regulation L. 1803. If the magistrate or joint magistrate shall be of opinion that no sufficient grounds exist for exempting the witness from taking the prescribed oath, he shall proceed in the same manner as if the refusal to give evidence on oath had taken place in his own court.—On the other hand, if he shall be of opinion that the witness ought not to be compelled to take the oath, he shall certify the same to the judge advocate general, or other officer above referred to, and shall not impose any penalty on such witness.

Course to be followed in case of a witness refusing to be sworn before a military court.

Inquiries to be made by the magistrates and joint magistrates.

A. D. 1826. REGULATION XI.

A REGULATION *for providing a Succession of duly qualified Hindoo and Mahomedan law Officers, in the several Courts of Justice, and for enacting an additional Rule for the Appointment of Vakeels in the zillah and city Courts.*—PASSED *by the Vice-President in Council, on the 4th August* 1826; *corresponding with the* 21*st Sawun* 1233 *Bengal era; the* 16*th Sawun* 1233 *Fussily; the* 22*d Sawun* 1233 *Willaity; the* 1*st Sawun* 1883 *Sumbut; and the* 28*th Zeheija* 1241 *Higeree.*

Preamble.

WHEREAS the power formerly exercised by the Governor General in Council of confirming the appointment of the law officers of the provincial, *zillah*, and city courts, was transferred to the court of Sudder Dewanny Adawlut, by Section 4, Regulation VIII. 1809, and considerations which are connected with measures in progress under the immediate control of Government for promoting education amongst the natives of these provinces, and for securing the services of the most able and learned persons for those high offices, have suggested the expediency of altering the rules now in force for the nomination and appointment of the law officers in the several courts of justice, and of vesting the confirmation of all such appointments in the executive Government: and whereas it is deemed advisable to provide by a specific enactment, in addition to the rules contained in Section 3, Regulation XXVII. 1814, for the admission of qualified students at the public colleges under this presidency to hold the office of *vakeel* in any of the *zillah* and city courts; the following rules have been passed by the Vice-President in Council, to be in force, from the date of their promulgation, throughout the whole of the provinces immediately subject to the presidency of Fort William.

Regulations V. 1804, VIII. 1809, and XVIII. 1817, modified.

II. The rules contained in Regulations V. 1804, VIII. 1809, and XVIII. 1817, or in any other regulation now in force, relative to the nomination and appointment of the law officers of the several courts of justice, are hereby declared subject to the modification contained in the present regulation: provided however, that nothing in this regulation shall be construed to alter or affect the power vested in the court of Sudder Dewanny Adawlut by Section 4, Regulation VIII. 1809, of confirming the removal of the law officers of the provincial, *zillah*, and city courts; or to alter any part of the rules now in force respecting the removal of a law officer attached to any of those courts.

Proviso.

The law officers of the Sudder Dewanny Adawlut and Nizamut Adawlut, how to be appointed and removed.

III. The appointment and removal of the law officers of the Sudder Dewanny Adawlut and Nizamut Adawlut, shall be reported as heretofore for the previous sanction of the Governor General in Council; subject to the further provisions contained in the present regulation.

The law officers of the provincial, *zillah*, and city courts, to be hereafter appointed by the Governor General in Council.

IV. *First.* The law officers of the provincial courts of appeal and circuit, and of the *zillah* and city courts, shall hereafter be appointed by the Governor General in Council.

Rule to be observed on the removal, death, or resignation, of a law officer.

Second. Whenever a law officer may be removed from his station, or whenever a vacancy may occur in the office of law officer in any of the courts of justice, from death, resignation, or otherwise, the judge or judges of the court in which the removal or vacancy may have occurred, shall nominate for the approbation of the Governor General in Council, a person duly qualified to succeed to the station so vacated, and shall at the same time report fully the

the past employments, character, qualifications, and age of the proposed successor, and likewise whether he has obtained the prescribed certificate of qualifications hereafter noticed: the Governor General in Council, on consideration of such report, or after calling for any further information that may appear necessary, will either confirm the person so nominated to fill the vacated office; or will issue orders for his examination; or appoint any other person whom he may deem better qualified for the office.

No person to be appointed a law officer, who shall not have obtained a certificate of qualification.

V. *First.* After the promulgation of this regulation no person shall be appointed to be a Hindoo or Mahomedan law officer in any of the courts of justice under this presidency, who shall not have obtained a certificate of qualification (in one of the forms, A. or B. contained in the appendix), after having undergone an examination, to be conducted in the manner hereafter noticed, by a committee, consisting of such persons as the Governor General in Council may, from time to time, be pleased to appoint for that purpose.

Annual examination of candidates for the situation of law officer, to be held before a committee.

Second. Public examinations shall be held before the committee early in each year, or at such periods as may be fixed by order of the Governor General in Council, of all persons who may offer themselves as candidates for the office of law officer, the result of which shall be reported to Government, and so many of the candidates as shall be found upon examination to be eminently qualified for the office of Hindoo or Mahomedan law officer, shall receive from the committee a certificate of qualification in the form A. contained in the appendix to this regulation.

Persons who may not have previously obtained a certificate of qualification, how to be examined.

Third. Whenever any person, who may be nominated to the office of law officer by the Sudder Dewanny and Nizamut Adawlut, by the provincial court of appeal and circuit, or by the *zillah* or city judge, shall not have previously obtained a certificate of qualification, the Governor General in Council will issue such orders as may be deemed proper for the examination of such person; either before the committee at the presidency, or by means of written interrogatories to be transmitted by the committee to the judge or judges of the court in which the vacancy of law officer may have occurred, in whose presence the answer to such interrogatories shall be written by the person nominated forthe vacant office; or by such other mode, as under the direction of the committee at the presidency may be calculated to ensure a fair and impartial examination of the candidate.

The committee to report the result of their examinations, and grant certificates to candidates who may be duly qualified.

Fourth. The committee at the presidency shall report the result of the examination, prescribed in the foregoing clause, for the information of Government; and in the event of the candidate being declared duly qualified for the office of Hindoo or Mahomedan law officer, (as the case may be,) such candidate shall receive from the committee, a certificate of qualification according to one of the forms A. or B. with reference to the mode in which the examination of the candidate shall have been conducted.

A native student in any of the public institutions under this presidency who shall have received a certificate of qualification, shall be admitted to practise as a *vakeel* in any of the *zillah* and city courts on application;

Unless strong objections exist to his admission.

Proviso.

VI. In addition to the rules contained in Section 3, Regulation XXVII. 1814, for the nomination and appointment of *vakeels* in the several *zillah* or city courts, it is hereby enacted, that, after the promulgation of this regulation, any native student who may have been educated, or have received instruction at one of the public institutions under this presidency, and who shall have received a certificate of adequate proficiency in the laws and regulations, and of good character, from the superintending committee of any of the public colleges supported by Government, according to the form C. in the appendix to this regulation, shall, on making application to any of the courts above-mentioned, be entitled to receive a *sunnud* of appointment to practise as a *vakeel* in the *zillah* or city court to which the application may be made, unless the number of *vakeels* already attached to such court, (including those allotted to the courts of the register and *sudder ameens* in pursuance of Section 16, Regulation XXVII. 1814,) shall render the immediate admission of any additional *vakeel* or *vakeels* highly inconvenient and objectionable, in which case the admission of the person so applying may be postponed by order of the judge of the court, so long as shall appear necessary. Provided always, that every person, previously to his being admitted to practise as a *vakeel*, shall take and subscribe before the said court, the oath, or solemn declaration in lieu thereof, required by clause first, Section 5, Regulation XXVII. 1814, and shall be held liable for misconduct to be deprived of the *sunnud* granted to him by the court, and to all the penalties to which the *vakeels* of the courts of justice are declared subject, by the regulations which have been or may be enacted.

APPENDIX.

A.

Certificate of a Hindoo or Mahomedan Law Officer.

(Seal of the Committee.)

We hereby certify, that at an examination held at the presidency of Fort William on the ——— by the committee appointed under the provisions of Regulation XI. 1826, A. B. was found and declared to be qualified, by his eminent knowledge of the Hindoo (or Mahomedan) law, to hold the office of Hindoo (or Mahomedan) law officer, in any of the established courts of judicature.

(To be signed by the president, and not less than two members of the committee of examination.)

This certificate has been granted to the said A. B. under the seal of the committee, this ——— day of ——— in the year ——— corresponding with the (Mahommedan or Hindoo date.)

C. D.

Secretary to the committee.

B.

FORM of certificate of a Hindoo (or Mahomedan) law officer, when examined at a special examination.

(Seal of the Committee.)

We hereby certify, that the committee of examination at the presidency of Fort William, having duly considered the proceedings held on the examination of A. B., conducted under the provisions of clause third, Section 5, Regulation XI. 1826, do consider the said A. B. to be duly qualified, by his knowledge of Hindoo (or Mahomedan) law, to hold the office of Hindoo (or Mahomedan) law officer in any of the established courts of judicature.

(To be signed by the president, and not less than two members of the committee of examination.)

This certificate has been granted to the said A. B. under the seal of the committee, this ——— day of ——— in the year ——— corresponding with the (Mahomedan or Hindoo date to be here inserted.)

C. D.

Secretary to the Committee.

C.

CERTIFICATE of a student in any of the colleges established by Government, who may be declared qualified to be admitted as a *vakeel* in any of the *zillah* or city courts.

(Seal of the College.)

We hereby certify, that at an examination of the students in the (Hindoo or Mahomedan) college at ——— held on the ———, A. B. was found qualified, by his proficiency in the Hindoo (or Mahommedan) law, and in the regulations of the British Government, to discharge the duties of pleader in any of the *zillah* or city courts.

We further certify, that the said A. B. is reported by the officers of the college to be of good character, and to have conducted himself with propriety during the time he has been attached to the college.

(To be signed by the examiners.)

This certificate has been granted to the said A. B. under the seal of the college this ——— day of ——— in the year ——— corresponding with (the Mahomedan or Hindoo date.)

C. D.

Secretary to the College.

A. D. 1827. REGULATION III.

A REGULATION *for modifying and amending the Rules in Force, relative to the Law Officers and ministerial native Officers of the Courts of Judicature, who may be guilty of Corruption or Extortion.*—PASSED *by the Governor General in Council on the* 1st *November* 1827, *corresponding with the* 17*th Kautic* 1234 *Bengal era; the* 27*th Kautic* 1235 *Fussily; the* 18*th Kautic* 1235 *Willaity; the* 13*th Kautick* 1884 *Sumbut; and the* 10*th Rubee-us-Sanee* 1243 *Higeree.*

Preamble.

WHEREAS it has been deemed expedient to modify and amend the rules adverted to in the title of this regulation; the following rules have been enacted to be in force, as soon as promulgated, throughout the provinces dependant on the presidency of Fort William.

Former rules modified.

II. Clause first, Section 8, Regulation XII. 1793, clause eighth, Section 9, Regulation XIII. 1793, (extended to Benares by Regulations XI. and XII. 1795, and re-enacted for the upper provinces, by Regulations XI. and XII. 1803,) and clause second, Section 6, Regulation XVIII. 1817, are declared subject to the following modifications.

No fine to be awarded in the civil court, for the offence of corruption or extortion.

III. Whenever any native ministerial officer, of any civil or criminal court, or any Hindoo or Mahomedan law officer, against whom an action may have been brought in the civil court, to recover money or property, extorted or corruptly taken, shall be proved to have received or taken the whole, or any part of the money or property which he may be charged with having received or taken, the court is to adjudge him to refund the amount of the money, or value of the property, which he may be proved to have so received or taken, with interest, when it may be a case of money taken, at such rate not exceeding twelve per cent. per annum, as to the court may appear equitable, and to pay full costs to the plaintiff in the suit. The court shall not, in such case, be competent to award any fine against the defendant.

Criminal prosecution not to depend on the civil action, or its result.

IV. Any law officer or ministerial native officer, charged with corruption or extortion, against whom there may appear to be sufficient grounds for a criminal prosecution, shall be liable to such prosecution, as laid down in clause second, Section 6, Regulation XVIII. 1817, whether the civil action provided for in Section 3. of this regulation, shall have been brought or not, and whatever, if brought, may have been its result.

Record of criminal conviction sufficient for compelling the refund of property corruptly taken or extorted.

V. From and after the date of this regulation, it shall not be necessary for any party, from whom money or property may have been corruptly taken or extorted, to institute a civil action for the recovery thereof; but on proof of the charge, in a criminal prosecution for those offences, a certified copy of the conviction by a court of circuit or the Nizamut Adawlut, shall be received as sufficient authority for enforcing the refund of the amount or value so taken with interest, on application to that effect being preferred by the aggrieved party, to the civil court, on the stampt paper prescribed for miscellaneous petitions.

Amount of embezzlement to be paid, in the first instance, from the public treasury.

VI. Whenever it may be established by the process described in Section 7, Regulation XVIII. 1817, that any native officer attached to a civil or criminal court, may have embezzled any money or other property, duly paid into or deposited in the court to which he is attached; or regularly received by him in his official capacity, in execution of a decree, or on account of a deposit, or on any other account whatever, it shall be the duty of the European controlling authority to refund to the party or parties, whose property may have been so embezzled, the amount or value of the embezzlement, from the public treasury, in the first instance, without reference to the solvency or otherwise of the defaulter or his surety; the Government reserving to itself the right of adopting such measures, for the recovery of the money so refunded, as may be deemed expedient, with reference to the nature and circumstances of each case.

A. D. 1828. REGULATION I.

A REGULATION *for empowering the Governor General in Council to commute Sentences of Imprisonment for Life in the Allypore Jail, to Transportation for Life to any of the British Settlements in Asia, in certain Cases.*—PASSED *by the Governor General in Council, on the* 10*th April* 1828 ; *corresponding with the* 30*th Chyte* 1234 *Bengal era ; the* 10*th Bysaak* 1235 *Fussily ; the* 31*st Chyte* 1235 *Willaity ; the* 11*th Bysaak* 1885 *Sumbut, and the* 24*th Ramzaan* 1243 *Higeree.*

Preamble.

WHEREAS some of the convicts now under sentence of imprisonment for life in the Allypore jail, have expressed a desire to have their sentences commuted to transportation for life: and whereas it may, from time to time, be convenient that convicts should be transported to the coast of Tenasserim, or to other British settlements to which convicts are now usually transported, in lieu of being imprisoned for life in the jail at Allypore ; the following rules have been enacted by the Governor General in Council to be in force from the period of their promulgation.

In what manner convicts under sentence of imprisonment for life in the jail at Allypore, are to apply to have their sentences commuted to transportation for life.

II. *First.* Whenever any convict, sentenced to imprisonment for life in the jail at Allypore, shall be desirous of obtaining a commutation of his sentence to transportation for life, he shall make known his wishes to that effect, either verbally or in writing, to the superintendent or other officer in charge of the jail, who shall call such convict before him, and after taking down his request in writing, to be signed by the said convict and attested by two or more respectable persons, shall report the case for the orders of Government, stating at the same time any objections which, in his opinion, may exist to the commutation of the sentence, on account of the dangerous character of the convict, or other circumstances.

The Governor General in Council competent to commute the sentence.

Second. It shall be competent to the Governor General in Council, on a consideration of the report above-mentioned, to commute the sentence passed upon the convict of imprisonment for life in the Allypore jail, to transportation for life to any of the British settlements in Asia, and the sentence so commuted shall be carried into effect in the same manner as sentences of transportation beyond sea for life are now enforced.

The provisions contained in Section 5, Regulation XII. 1818, to be applicable to convicts who may escape from transportation.

Third. The provisions contained in Section 5, Regulation XII. 1818. are hereby declared applicable to convicts whose sentences may be commuted under the foregoing clause, and who shall escape from the place of their transportation, and return without permission to any part of the Company's territories.